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IN MEMORY OF

JUDGE DOUGLASS BOARDMAN

FIRST DEAN OF THE SCHOOL

By his Wife and Daughter

A. M. BOARDMAN and ELLEN D. WILLIAMS

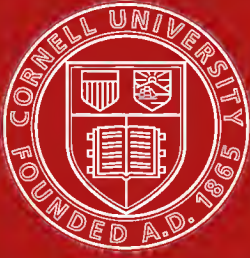
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SUPREME COURT OF JUDICATURE.

CROWN OFFICE RULES, 1886.

The following Orders and Rules may be cited as the Crown Office Rules, 1886. They shall come into operation on the 28th day of April, 1886, and shall also apply, so far as may be practicable (unless otherwise expressly provided), to all proceedings taken on or after that day in all matters then pending.

1. All existing rules or practice on the Crown side inconsistent with these Rules are hereby repealed, and the following Rules shall henceforth be in force.

2. No order or rule annulled by any former order shall be revived by any of these Rules, unless expressly so declared, and where no other provision is made by these Rules, the present procedure and practice remain in force.

CUSTODY OF RECORDS.

3. The Queen's Coroner and Attorney, and the master of the Crown Office, Queen's Bench Division, shall have the care and custody of the records and other proceedings on the Crown side.

DATE OF PROCEEDINGS.

4. Every order and other proceeding on the Crown side shall be dated of the day of the week, month, and year on which the same was made, unless the Court or a Judge shall otherwise direct, and shall take effect accordingly.

AFFIDAVITS.

5. Order XXXVIII. (affidavits) of the Rules of the Supreme Court, 1883, shall, as

far as it is applicable, apply to all civil proceedings on the Crown side.

The following Rules shall apply to all proceedings on the Crown side :—

6. Upon any motion or summons evidence may be given by affidavit ; but the Court or a Judge may, on the application of either party, order the attendance for cross-examination of the person making any such affidavit.

7. Affidavits used on the Crown side shall be intitled "In the High Court of Justice, Queen's Bench Division."

8. Affidavits shall be confined to such facts as the witness is able of his own knowledge to prove, except on interlocutory motions, on which statements as to his belief, with the grounds thereof, may be admitted. The costs of every affidavit which shall unnecessarily set forth matters of hearsay, or argumentative matter, or copies of or extracts from documents, shall be paid by the party filing the same.

9. Affidavits sworn in England shall be sworn before a Judge, district registrar, commissioner to administer oaths, first or second class clerk in the Crown Office Department, or officer empowered under the Rules of the Supreme Court to administer oaths.

10. Every commissioner to administer oaths shall express the time when, and the place where, he shall take any affidavit or recognisance ; otherwise the same shall not be admitted to be filed without the leave of the Court or a Judge ; and every such commissioner shall express the time when, and the place where, he shall do any other act incident to his office.

11. All affidavits, declarations, affirmations, and attestations of honour in causes or matters depending on the Crown side may be sworn and taken in Scotland or Ireland or the Channel Islands, or in any colony, island, plantation, or place under the dominion of her Majesty in foreign parts, before any Judge, Court, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or before any of her Majesty's consuls or vice-consuls in any foreign parts out of her Majesty's dominions; and the Judges and other officers of the High Court shall take judicial notice of the seal or signature, as the case may be, of any such Court, Judge, notary public, person, consul, or vice-consul, attached, appended, or subscribed to any such affidavits, affirmations, attestations of honour, declarations, or to any other document.

12. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject. Every affidavit shall be written or printed bookwise. No costs shall be allowed for any affidavit or part of an affidavit substantially departing from this rule.

13. Every affidavit shall state the description and true place of abode of the deponent.

14. In every affidavit made by two or more deponents the names of the several persons making the affidavit shall be inserted in the jurat, except that if the affidavit of all the deponents is taken at one time by the same officer it shall be sufficient to state that it was sworn by both (or all) of the "above-named" deponents.

15. Every affidavit used on the Crown side shall be filed in the Crown Office Department of the Central Office. There shall be indorsed on every affidavit a note shewing on whose behalf it is filed, and no affidavit shall be filed or used without such note, unless the Court or a Judge shall otherwise direct.

16. The Court or a Judge may order to be struck out from any affidavit any matter which is scandalous, and may order the costs of any application to strike out such matter to be paid as between solicitor and client.

17. No affidavit having in the jurat or body thereof any interlineation, alteration, or erasure shall, without leave of the Court or a Judge, be read or made use of in any matter depending in Court unless the interlineation or alteration (other than by erasure) is authenticated by the initials of the officer taking the affidavit, or if taken at the Crown Office Department, either by his initials or by the stamp of that office, nor in the case

of an erasure, unless the words or figures appearing at the time of taking the affidavit to be written on the erasure are re-written and signed or initialed in the margin of the affidavit by the officer taking it.

18. Where an affidavit is sworn by any person who appears to the officer taking the affidavit to be illiterate or blind, the officer shall certify in the jurat that the affidavit was read in his presence to the deponent, that the deponent seemed perfectly to understand it, and that the deponent made his signature in the presence of the officer. No such affidavit shall be used in evidence in the absence of this certificate, unless the Court or a Judge is otherwise satisfied that the affidavit was read over to and appeared to be perfectly understood by the deponent.

19. The Court or a Judge may receive any affidavit sworn for the purpose of being used in any cause or matter, notwithstanding any defect by misdescription of parties or otherwise in the title or jurat, or any other irregularity in the form thereof, and may direct a memorandum to be made on the document that it has been so received.

20. In cases in which by the present practice an original affidavit is allowed to be used, it shall before it is used be stamped with a proper filing stamp, and shall at the time when it is used be delivered to and left with the proper officer in Court or in chambers, who shall send it to be filed. An office copy of an affidavit may in all cases in which a copy is admissible be used, the original affidavit having been previously filed, and the copy duly authenticated with the seal of the office.

21. No affidavit shall be sufficient if sworn before the solicitor acting for the party on whose behalf the affidavit is to be used, or before any agent or correspondent of such solicitor, or before the party himself.

22. Any affidavit which would be insufficient if sworn before the solicitor himself shall be insufficient if sworn before his clerk or partner.

23. Where a special time is limited for filing affidavits, no affidavit filed after that time shall be used, unless by leave of the Court or a Judge.

24. Except by leave of the Court or a Judge, no order made ex parte in Court founded on any affidavit shall be of any force, unless the affidavit on which the application was made was actually made before the order was applied for, and produced or filed at the time of making the motion.

25. Upon motions founded upon affidavits, either party may apply to the Court or a Judge for leave to make additional affidavits upon any new matter arising out of the affi-

davits of the opposite party; but no additional affidavits shall be used except such leave shall have been first obtained.

26. No person shall be allowed to shew cause against an order nisi, unless he shall have previously obtained office copies of such order and of the affidavits upon which it was granted.

27. Affidavits of service shall state when, where, and how and by whom, such service was effected.

CERTIORARI.

28. Every application for a writ of certiorari, or for an order to remove an indictment found at the assizes into the Queen's Bench Division, at the instance of any person other than the Attorney-General on behalf of the Crown, shall, during the sittings, be made to a Divisional Court of the said Division by motion for an order nisi to shew cause, and in the vacation, or when there is no sitting of a Divisional Court, to a Judge at chambers for a summons to shew cause: Provided that where, from special circumstances, the Court or a Judge may be of opinion that the writ should issue forthwith, the order may be made absolute, or an order be made in the first instance, either *ex parte* or otherwise, as the Court or Judge may direct.

29. No indictment, except indictments against bodies corporate, not authorised to appear by solicitor in the Court in which the indictment is preferred, shall be removed into the Queen's Bench Division either at the instance of the prosecutor or of the defendant (other than the Attorney-General acting on behalf of the Crown), unless it be made to appear to the Court or a Judge by the party applying that a fair and impartial trial of the case cannot be had in the Court below, or that some question of law of more than usual difficulty and importance is likely to arise upon the trial, or that a view of the premises in respect whereof any indictment is preferred, or a special jury, may be required for a satisfactory trial of the same.

30. No writ of certiorari for the removal of an indictment, or order to remove an indictment found at the assizes, shall be allowed by the Court to whom it may be directed, unless the person (other than the Attorney-General acting on behalf of the Crown and the prosecutor of an indictment against a body corporate) at whose instance it has been issued shall have entered into a recognisance by himself, if he is the prosecutor, with sufficient sureties, conditioned on the return of such writ to make up the record, and give notice of trial and proceed to trial of the indictment at the next assizes

to be held for the county wherein the indictment was found, or if in London or Middlesex forthwith at the sittings of the High Court of Justice, and to pay the costs of the defendant subsequent to the removal of the indictment, if he be acquitted; and if the party removing is the defendant, until he shall have entered into a recognisance with sufficient sureties conditioned to appear and plead (and in cases of felony in open Court) to the said indictment, and give notice of trial, and proceed to trial of the indictment at the next assizes to be held for the county wherein the indictment was found, or if in London or Middlesex forthwith at the sittings of the High Court of Justice, and personally to appear from day to day at the trial of such indictment, and if necessary in the Queen's Bench Division of the High Court of Justice, and not depart till he shall be discharged by the Court, and to pay the costs of the prosecution subsequent to the removal of the indictment, if the defendant or any of the defendants, if more than one, be convicted.

31. If the person at whose instance any writ of certiorari for the removal of an indictment, or order to remove an indictment found at the assizes, shall have been awarded, shall not before the allowance thereof enter into a properly conditioned recognisance, the Court to which such writ or order may be directed shall proceed to the trial of the indictment, as if such writ or order had not been awarded.

32. All recognisances to be entered into for the allowance of any writ of certiorari, or order to remove an indictment found at the assizes, or any writ of certiorari for the removal of any order, conviction, inquisition, or other proceeding removed thereby, shall be certified into the Queen's Bench Division with the writ of certiorari or order of removal.

33. No writ of certiorari shall be granted, issued, or allowed to remove any judgment, order, conviction, or other proceeding had or made by or before any justice or justices of the peace of any county, city, borough, town corporate, or liberty, or the respective general or quarter sessions thereof, unless such writ of certiorari be applied for within six calendar months next after such judgment, order, conviction, or other proceeding shall be so had or made, and unless it be proved by affidavit that the party suing forth the same has given six days' notice thereof in writing to the justice or justices, or to two of them, if more than one, by and before whom such judgment, order, conviction, or other proceedings shall be so had or made, in order that such justice or justices, or the parties

therein concerned, may shew cause, if he or they shall so think fit, against the granting, issuing, or allowing such writ of certiorari.

34. No special case stated by a Court of general or quarter sessions for obtaining the judgment or determination of the High Court upon any order or other determination of a Court of general or quarter sessions shall be filed at the Crown Office Department after the expiration of six calendar months from the making of such order or determination, except by leave of the Court on special circumstances being shewn, either before or after the expiration of such six months.

35. No order for the issuing of a writ of certiorari to remove any order, conviction, or inquisition, or record, or writ of habeas corpus ad subjiciendum shall be granted where the validity of any warrant, commitment, order, conviction, inquisition, or record shall be questioned, unless at the time of moving a copy of any such warrant, commitment, order, conviction, inquisition, or record, verified by affidavit, be produced and handed to the officer of the Court before the motion be made, or the absence thereof accounted for to the satisfaction of the Court.

36. No writ of certiorari shall be allowed to remove any judgment, order, or conviction given or made by justices, unless the party (other than the Attorney-General acting on behalf of the Crown) prosecuting such certiorari, before the allowance thereof, shall enter into a recognisance with sufficient sureties before one or more justices of the county or place or at their general or quarter sessions, where such judgment or order shall have been given or made, or before any Judge of the High Court in the sum of 50*l.*, with condition to prosecute the same at his own costs and charges with effect, without any wilful or affected delay, and to pay the party in whose favour or for whose benefit such judgment, order, or conviction shall have been given or made, within one month after the said judgment, order, or conviction shall be confirmed, his full costs and charges, to be taxed according to the course of the Court where such judgment, order, or conviction shall be confirmed, and in case the party prosecuting such certiorari shall not enter into such recognisance, or shall not perform the conditions aforesaid, it shall be lawful for the said justices to proceed and make such further order for the benefit of the party for whom such judgment shall be given, in such manner as if no certiorari had been granted.

37. When cause is shewn against an order nisi for a certiorari to remove any judgment order or conviction upon which no special case has been stated, given, or made by jus-

tices of the peace for the purpose of quashing such judgment order or conviction, the Divisional Court, if it shall think fit, may make it a part of the order absolute for the certiorari that the judgment order or conviction shall be quashed on return without further order, and in such case no such recognisance as is required by Rule 36 shall be necessary, and a memorandum to that effect shall be indorsed by the proper officer upon the issuing of the writ of certiorari.

38. No special case stated upon any order, or other determination of a Court of general or quarter sessions, shall be filed at the Crown Office Department, unless the party proceeding upon such special case shall enter into a recognisance as provided by Rule 36, and in default thereof the justices may proceed as in that rule provided.

39. In all civil causes or matters, which shall have been removed by certiorari, or in respect of which a special case shall have been stated, the recognisance shall be conditioned as regards costs to pay such costs, if any, as the Court shall order.

40. No objection on account of any omission or mistake in any judgment or order of any justice of the peace, Court of summary jurisdiction, or Court of general or quarter sessions, brought up upon a return to a writ of certiorari and filed at the Crown Office Department, shall be allowed, unless such omission or mistake shall have been specified in the order for issuing such certiorari.

41. Every writ of certiorari for removing an indictment from the Central Criminal Court shall specify the county or jurisdiction in which the same shall be tried, and a jury shall be summoned and the trial proceed in the same manner in all respects as if the indictment had been originally preferred in that county or jurisdiction.

42. An application for an order that an indictment or inquisition removed into the Queen's Bench Division shall be tried at the Central Criminal Court, or a motion to remove an indictment or inquisition by certiorari into the Central Criminal Court for trial under 19 Vict. c. 16, shall, during the sittings, be made to the Queen's Bench Division by motion for an order nisi; and in the vacation, when there is no sitting of a Divisional Court, to a Judge at chambers for a summons; and the order may be made absolute or granted upon such terms as to recognisance or otherwise as the Court or Judge may consider reasonable.

INDICTMENTS AND INFORMATIONS.

43. Every indictment found by the grand jury in the Queen's Bench Division may, if necessary, be certified to a Judge, in order

that such Judge may (if he thinks proper) immediately issue his warrant for the apprehending of the defendant.

44. If any defendant in any indictment or information depending in the Queen's Bench Division shall be committed to prison, and detained for want of bail for his appearance to such indictment or information for the space of one calendar month next following such commitment, and the prosecutor of such indictment or information shall not proceed within that time, such defendant shall after the expiration thereof be discharged by order of the Court or a Judge upon entering a common appearance to the said indictment or information (unless good cause shall be shewn to the contrary); eight days' notice shall be given by the defendant or his solicitor of his intention to apply for such order.

45. If any such defendant shall be convicted upon any such indictment or information as in the last preceding rule mentioned, and shall be afterwards committed or detained for want of bail, the prosecutor shall cause him to be brought up for judgment within eight days after the time limited by rule 166 for moving for a new trial if the Court be then sitting, and if the Court be not sitting, within the first eight days of the sittings next after that in which the trial was had, and in default of his so doing within that time, or within such further time as may have been granted by the Court or a Judge for that purpose, the defendant may on application to the Court be discharged on his own recognisance.

46. With the exception of ex-officio informations filed by the Attorney-General on behalf of the Crown no criminal information or information in the nature of a quo warranto shall be exhibited, received, or filed at the Crown Office Department without express order of the Queen's Bench Division in open Court, nor shall any process be issued upon any information other than an ex-officio information, until the person procuring such information to be exhibited shall have filed at the Crown Office Department a recognisance in the penalty of £50 effectually to prosecute such information and to abide by and observe such orders as the Court shall direct, such recognisance to be entered into before the Queen's coroner and attorney, or the master of the Crown Office, or a Justice of the peace of the county, borough, or place in which the cause may have arisen.

47. No application shall be made for a criminal information against a Justice of the peace for misconduct in his magisterial capacity unless a notice containing a distinct statement of the grievances, or acts of mis-

conduct complained of, be served personally upon him, or left at his residence, with some member of his household, six days before the time named in it for making the application.

48. The application for a criminal information shall be made to a Divisional Court by a motion for an order nisi, within a reasonable time after the offence complained of, and if the application be made against a Justice of the peace for misconduct in his magisterial capacity, the applicant must depose on affidavit to his belief that the defendant was actuated by corrupt motives, and further, if for an unjust conviction, that the defendant is innocent of the charge.

49. If the prosecutor on any information not ex-officio does not proceed to trial within a year after issue joined, or if the prosecutor causes a nolle prosequi to be entered, or if the defendant be acquitted (unless the Judge at the time of trial certifies that there was reasonable cause for the information), the Court, on motion for the same, may award the defendant his costs to the amount of the recognisance entered into by the prosecutor on filing the information.

50. If on any indictment in the Queen's Bench Division, or information by a private prosecutor, for the publication of any defamatory libel judgment shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the said defendant by reason of such indictment or information, and upon a special plea of justification to such indictment or information, if the issue be found for the prosecutor, he shall be entitled to recover from the defendant the costs sustained by the prosecutor by reason of such plea.

QUO WARRANTO.

51. Every application for an information in the nature of a quo warranto shall be by motion to a Divisional Court for an order nisi, unless the same be ex-officio or be made in respect of a corporate office within the meaning of 45 & 46 Vict. c. 50. s. 225.

52. In respect of such a corporate office as in the last preceding rule mentioned, the application shall be by notice of motion to the person affected thereby to be served not less than ten days before the day specified in the notice for making the application.

53. The notice shall set forth the name and description of the applicant, and a statement of the grounds of the application, and the applicant shall deliver with the notice on service thereof a copy of the affidavits whereby the application will be supported.

54. No order for filing any information in

the nature of a quo warranto shall be granted, unless at the time of moving an affidavit be produced by which some person shall depose upon oath that such motion is made at his instance as relator; and such person shall be deemed to be the relator in case such order shall be made absolute and shall be named as such relator in such information in case the same shall be filed, unless the Court shall otherwise order.

55. Every objection intended to be made to the title of a defendant on an information in the nature of a quo warranto shall be specified in the order to shew cause or notice of motion, and no objection not so specified shall be raised by the relator on the pleadings without the special leave of the Court or a Judge.

56. The Court may discharge an order nisi for an information in the nature of a quo warranto with or without costs, and in its discretion may, upon such notice as may be just, direct the costs to be paid by the solicitor or other parties joining in the affidavits in support of the application, although he be not the proposed relator.

57. A new relator may by leave of the Court, on notice of motion, be substituted for the one who first enters into the recognisance on special circumstances being shewn.

58. Where several orders nisi for informations in the nature of quo warranto have been granted against several persons for usurpation of the same offices, and all upon the same grounds of objection, the Court may order such orders to be consolidated, and only one information to be filed in respect of all of them, or may order all proceedings to be stayed upon all but one, until judgment be given in that one, provided always that no order be made to consolidate or stay any proceedings against any defendant unless he give an undertaking to disclaim, if judgment be given for the Crown, upon the information which proceeds.

59. If a defendant on an information in the nature of a quo warranto does not intend to defend, he may to prevent judgment by default enter a disclaimer at the Crown Office Department and file a copy there, and deliver another copy to the relator or his solicitor. Upon the disclaimer being filed judgment of ouster may be entered at the Crown Office Department, and the costs taxed as in judgment by default.

MANDAMUS.

60. Application for a prerogative writ of mandamus shall, during the sittings, be made to a Divisional Court of the Queen's Bench Division by motion for an order nisi; and in the vacation to a Judge in chambers for

a summons to shew cause, upon its being shewn to the satisfaction of such Judge that the matter is urgent. Provided that this rule shall not apply to any application for a writ of mandamus under 45 & 46 Vict. c. 50. s. 225.

61. Notice shall be given by the order nisi for a mandamus to every person who by the affidavits on which the order is moved shall appear to be interested in or likely to be affected by the proceedings, and to any person who in the opinion of the Court or Judge ought to have such notice.

62. The order nisi shall be served upon each person to whom notice is given by the order, as well as the party whom the order requires to shew cause.

63. Any person, whether he has had notice or not, who can make it appear to the Court or Judge that he is affected by the proceeding for a writ of mandamus may shew cause against the order nisi or summons, and shall be liable to costs in the discretion of the Court or a Judge if the order should be made absolute, or the prosecutor obtain judgment.

64. The order absolute for a mandamus need not be served, but the cost of service of the order absolute may be allowed in the discretion of the taxing officer, where the writ is not issued.

65. If the writ of mandamus is directed to one person only the original must be personally served upon such person, but if the writ be directed to more than one, the original shall be shewn to each one at the time of service, and a copy served on all but one, and the original delivered to such one.

66. When a writ of mandamus is directed to companies, corporations, justices, or public bodies, service shall be made upon such and so many persons as are competent to do the act required to be done, the original being delivered to one of such persons, except where by statute service on the clerk or some other officer is made sufficient service.

67. The Court or a Judge may, if they or he shall think fit, order that any writ of mandamus shall be peremptory in the first instance.

68. Every writ of mandamus shall bear date on the day when it is issued, and shall be tested in the name of the Lord Chief Justice of England. The writ may be made returnable forthwith, or time may be allowed to return it, either with or without terms, as the Court thinks fit. A writ of mandamus shall be in the Form in the Appendix No. 37, with such variations as circumstances may require.

69. Any person by law compellable to

make any return to a writ of mandamus shall make his return to the first writ.

70. Where a point of law is raised in answer to a return or any other pleading in mandamus, and there is no issue of fact to be decided, the Court shall, on the argument of the point of law, give judgment for the successful party, without any motion for judgment being made or required.

71. Where under rules 70 and 136 the applicant obtains judgment he shall be entitled forthwith to a peremptory writ of mandamus to enforce the command contained in the original writ, and the judgment shall direct that a peremptory writ do issue.

72. No action or proceeding shall be commenced or prosecuted against any person in respect of anything done in obedience to a writ of mandamus issued by the Supreme Court or any Judge thereof.

73. When it appears to the Court that the respondent claims no right or interest in the subject-matter of the application, or that his functions are merely ministerial, the return to the writ, and all subsequent proceedings down to judgment, shall still be made and proceed in the name of the person to whom the writ is directed, and, if the Court thinks fit so to order, may be expressed to be made on behalf of the persons really interested therein. In that case the persons interested shall be permitted to frame the return and conduct the subsequent proceedings at their own expense; and if judgment is given for or against the applicant it shall likewise be given for or against the persons on whose behalf the return is expressed to be made; and if judgment is given for them, they shall have the same remedies for enforcing it as the person to whom the writ is directed would have in other cases.

74. Where, under the last preceding rule, the return to a writ of mandamus is expressed to be made on behalf of some person other than the person to whom the writ is directed, the proceedings on the writ shall not abate by reason of the death, resignation, or removal from office of that person, but they may be continued and carried on in his name; and if a peremptory writ is awarded, it shall be directed to the successor in office or right of that person.

75. In any case of mandamus, in which a proceeding by way of interpleader may be proper, the provisions of Order LVII. of the Rules of the Supreme Court, 1883 (Interpleader), shall be applicable, so far as the nature of the case will admit.

76. No order for the issuing of any writ of mandamus shall be granted, unless at the time of moving an affidavit be produced by which some person shall depose upon oath

that such motion is made at his instance as prosecutor, and if the writ be granted the name of such person shall be indorsed on the writ as the person at whose instance it is granted.

77. Every application for the costs of a mandamus shall, unless the Court or a Judge shall otherwise order, be made before the fifth day of the sittings next after that in which the right to make such application accrued, and shall be upon notice of motion to be served eight days before the day named therein for moving.

78. The party moving for costs shall leave at the Crown Office Department a notice for the production in Court of all the affidavits filed in support of, and in opposition to, the original order.

79. Every application for a writ of mandamus to Justices to enter continuances and hear an appeal shall be made within two calendar months after the first day of the sessions at which the refusal to hear took place, unless further time be allowed by the Court or a Judge, or unless special circumstances appear by affidavit to account for the delay to the satisfaction of the Court.

ORDERS IN THE NATURE OF MANDAMUS.

80. An application for an order in the nature of a mandamus, to Justices, or to a County Court Judge, or to Justices to state and sign a case, shall be by motion for an order nisi (in the same manner as is provided in Rule 60).

PROHIBITION.

81. An application for a writ of prohibition on the Crown side shall be made by motion to a Divisional Court for an order nisi in all criminal causes or matters; and in civil proceedings on the Crown side by motion for an order nisi or by summons before a Judge at chambers.

82. The order may be made absolute *ex parte* in the first instance on special circumstances being shewn, in the discretion of the Court or Judge.

APPEARANCE TO INDICTMENT, INFORMATION, AND INQUISITION.

83. A defendant to any indictment, information, or inquisition in the Queen's Bench Division, or removed into the said division by writ of certiorari or otherwise, must enter or cause to be entered in a book at the Crown Office an appearance to such indictment, information, or inquisition; except that in treason or felony the defendant must appear in person in open court unless the Court or a Judge shall order that the defendant be at liberty to appear and plead by solicitor, in

which case the appearance may be entered as above stated.

84. If an indictment has been removed at the instance of the defendant, the prosecutor may draw up an order at the Crown Office to be served upon such defendant or his solicitor to appear, plead, and try according to the conditions of the recognisances entered into on removing such indictment.

85. In case such defendant shall not so appear, plead, and try, application may be made to the Court to estreat the recognisances so entered into, and for a writ of procedendo to carry back the indictment to the Court from whence it came; or if such writ of procedendo be not applied for, the Court or a Judge, upon a certificate of one of the officers of the Crown Office of such default, may issue a warrant as provided in Rule 87. The certificate may be in the Form No. 40, or to the like effect.

86. As against any defendant to any indictment, information, or coroner's inquisition other than a defendant at whose instance a writ of certiorari may have been awarded to remove such indictment or inquisition, the prosecutor may obtain a certificate from one of the officers of the Crown Office of an indictment, information, or coroner's inquisition having been filed. The certificate may be in the Form No. 41 or 42, or to the like effect.

87. Upon production of such certificate to a Judge, such Judge may, if necessary, issue a warrant under his hand to apprehend the defendant and cause him to be brought before him or some other Judge or before a justice of the peace to be dealt with according to law; the warrant may be in Form No. 43 or 44, or to the like effect.

88. If it be proved upon oath before such Judge or justice of the peace that the person apprehended and brought before him is the person charged and named in such indictment, information, or inquisition, such Judge or justice of the peace shall without further enquiry or examination commit him to prison by a warrant, which may be in the Form No. 45, or to the like effect, or admit him to bail.

Provided that nothing in these Rules shall affect the jurisdiction of a Judge to admit any defendant to bail whether in felony or misdemeanour at any time after committal and before conviction if he shall in his discretion so think fit.

89. When an indictment has been removed into the Queen's Bench Division, and the defendant has previously been held to bail in the Court below, the Judge shall not issue his warrant under the last preceding Rule unless special circumstances be shewn

upon affidavit, such as it being known to be his intention to abscond.

90. When any information is filed and the defendant is under terms to appear immediately and does not enter an appearance, the prosecutor may serve a notice upon the defendant to appear within five days, and in default of appearance may move the Court *ex parte* for leave to enter an appearance for him, or, if the notice was personally served, for an attachment.

91. If the defendant on any indictment or inquisition for misdemeanour, or information, wishes to avoid arrest upon a warrant, he may give 24 hours' notice of bail to the prosecutor, and enter into a recognisance before a Judge or justice of the peace with sufficient surety or sureties to appear and answer the indictment, inquisition, or information, and personally appear at the trial, and on the return of the *postea* if it be necessary, and so from day to day, and not depart without leave of the Court.

92. If the defendant be taken on a warrant he shall give 24 hours' notice of bail, and enter into a recognisance as in the last preceding rule mentioned before he can be discharged.

93. If any defendant to an indictment or inquisition for misdemeanour, or information, shall be detained in any prison for want of bail, the prosecutor of any such indictment, inquisition, or information, may cause a copy thereof to be delivered to the gaoler of the prison for such defendant, with a notice indorsed thereon that if the defendant do not within eight days after such delivery cause an appearance and a plea or demurrer to be entered to such indictment, inquisition, or information, an appearance and plea of not guilty will be entered for him; and if the defendant do not enter such appearance and plea or demurrer within eight days from the delivery of such copy of the indictment, inquisition, or information and notice, the prosecutor, upon filing an affidavit of the delivery of such copy and notice indorsed thereon to the keeper or gaoler as aforesaid, may cause an appearance and plea of not guilty to be entered to the indictment, inquisition, or information for the defendant, and proceedings shall be had thereon as if the defendant himself had duly appeared and entered such plea.

94. When any indictment has been found in, or removed into the Queen's Bench Division at the instance of the prosecutor, or of one or more of several defendants, the prosecutor may, instead of applying for a warrant under Rules 85, 86, 87, issue a writ of *venire facias* against such defendants as are not parties to the removal of the indictment,

or defendants under recognisance to answer, or in the case of an information may issue either a subpoena to answer, or a *venire facias* if it is intended to proceed to outlawry.

95. If the defendant does not appear within four days after the day named in the subpoena to answer, the prosecutor upon filing an affidavit of due service of the subpoena to answer may issue a writ of attachment.

96. If a defendant fails to appear within four days after the sheriff has returned to the Court on the *venire facias* that he has summoned the defendant, the prosecutor may issue a writ of *distringas*.

97. If a defendant fails to appear within four days after the sheriff has returned to the Court that he has distrained the lands and chattels of the defendant, the prosecutor may issue a writ of *capias ad respondendum*, and if necessary further proceed to outlawry as hereinafter provided by these Rules; provided always, that in felony, if the defendant has not been admitted to bail, the prosecutor may issue a writ of *capias* in the first instance.

98. The process against a body corporate, or inhabitants of a county, borough, parish, or place, to compel an appearance shall be by writs of *venire facias* and *distringas*. If such defendants do not appear within four days after the sheriff has returned that he has distrained the defendants' land and chattels, alias and pluries writs of *distringas* may be issued with such increased amounts upon each succeeding writ as the Court or a Judge may order.

OUTLAWRY.

99. To proceed to outlawry before judgment on an indictment for misdemeanour, or an information, the prosecutor must issue a writ of *venire facias* at the Crown Office returnable on a day certain either in or out of the sittings.

100. On the return of the sheriff that he has summoned the defendant, and the defendant has not appeared, the prosecutor may issue a *distringas* to answer, returnable on a day certain either in or out of the sittings, and if necessary alias writs of *distringas*, and if the sheriff return that the defendant has no goods in his bailiwick whereby he can be summoned, or distrained, a *capias ad respondendum* tested, and made returnable as the writ of *venire facias*, may be issued on the fourth day after the return.

101. On the return of *non est inventus* to a *capias ad respondendum*, before the prosecutor can proceed further, he shall issue a second writ of *capias* on the fourth day after

the return to the first, made returnable as the first writ, and shall issue a third writ of *capias* on the fourth day after the return of the second, tested and made returnable, as the second writ.

102. If the defendant is dwelling in another county than where the indictment was found, or where the information be laid, the prosecutor shall issue another second writ of *capias cum proclamatione* to the sheriff of the foreign county after the return of the first writ to the sheriff of the county in which the indictment was found, or information laid, tested as the other writs of *capias*, but not to be made returnable till such a day certain as will enable the sheriff of the foreign county, if he cannot be found, to make proclamation at two of his County Courts either three months, or four months, after the issue of the writ according as the sheriff may hold his Courts from month to month, or six weeks to six weeks.

103. Upon a return of *non est inventus* to the third writ of *capias* in the same county, and if the defendant be dwelling in another county to the *capias* to the sheriff of such county, a writ of exigent must be issued by the prosecutor.

104. Simultaneously with the writ of exigent a writ of proclamations shall be issued to the sheriff of the county where the defendant is mentioned to be, or inhabit; both writs must be tested on the day of the return to the previous process, and returnable on such a day certain during the sittings, as will admit of their being delivered to the sheriff three months before return.

105. If it does not appear by the return to the writ of exigent that the defendant has been exacted five times and outlawed, the prosecutor must issue another writ of exigent with *allocatur*, commanding the sheriff to cause him to be further exacted until he shall have been exacted five times and outlawed.

106. Upon the return of the sheriff that the defendant has been exacted five times and outlawed, on application of the prosecutor judgment may be entered at the Crown Office.

107. After judgment has been entered, the roll of all the proceedings may be engrossed by the prosecutor, and filed at the Crown Office.

108. A writ of *capias utlagatum* may be issued by the prosecutor at any time the defendant is likely to be found, or a like writ apical, *cum breve de inquirendo*, or if necessary a writ of *melius inquirendum* may be applied for.

109. All the rules as to proceeding to outlawry on indictment in misdemeanour before

judgment shall apply to indictment for felony, except that in felony the prosecutor may issue a writ of *capias ad respondendum* at once, instead of a *venire facias* to answer.

110. On proceeding to outlawry after judgment on indictment for felony or misdemeanour or information, the prosecutor may issue a writ of *capias ad satisfaciendum* into the county where the indictment is found, or information laid, returnable on the first day of the then next sittings. One writ of *capias* only need be issued, and on return of *non est inventus*, the prosecutor may issue a writ of *exigent* tested on the return day of the writ of *capias*, returnable on the first day of the then next sittings. It shall not be necessary to issue any writ of proclamations on the return of a writ of *capias ad satisfaciendum*.

111. After the return to the writ of *exigent*, the rules as to proceeding after writ of *exigent* in outlawry before judgment shall apply to proceedings in outlawry after judgment.

112. In the county of Lancaster the *capias utlagatum* and all subsequent process shall be directed to the Chancellor of the Duchy.

REVERSAL OF OUTLAWRY.

113. It shall not be necessary for any person who shall be outlawed before conviction for any matter or thing except treason or felony to appear in person to reverse such outlawry, but such person may appear by solicitor and reverse the same.

114. If any person outlawed otherwise than for treason, or felony, before conviction be taken and arrested upon any *capias utlagatum*, the sheriff may take a solicitor's engagement under his hand to appear for the defendant, and shall thereupon discharge the defendant from the arrest.

115. If a defendant surrenders or is taken before outlawry is complete on misdemeanour before judgment, he may give bail in such amount, and with or without sureties, as a Judge may direct, to appear to the indictment, inquisition, or information, and on appearance apply to the Court or a Judge for a supersedeas to the process of outlawry.

116. If a defendant comes in on an indictment or information for misdemeanour, and reverses the outlawry before judgment, he shall plead *instantur*.

117. On an indictment or inquisition for felony, or in any case after judgment, a defendant who surrenders or is taken before the outlawry is complete, shall be committed to answer the indictment or inquisition or to satisfy the judgment, but may supersede the outlawry process.

118. To reverse outlawry after conviction

the defendant shall surrender himself into custody, and afterwards be brought into Court to assign errors upon the judgment in outlawry, by *habeas corpus*.

119. If the defendant be taken on a *capias utlagatum*, he shall deliver the writ of error into Court when he appears upon the return to the *capias*, he shall then move for an order to bring him up again to assign errors, and shall be committed by the Court to the Queen's Prison.

120. Until outlawry be reversed a defendant after conviction shall not be committed, or called up for judgment upon an indictment, information, or inquisition.

121. Upon the assignment of error in outlawry the prosecutor shall join in error within eight days, and the case may then be entered in the Crown paper for argument on the application of either party as in error to the Queen's Bench Division from inferior Courts.

BAIL.

122. Applications for bail in felony or misdemeanour where the party is in custody shall be in the first instance by summons before a Judge at chambers for a writ of *habeas corpus*, or to shew cause why the defendant should not be admitted to bail either before a Judge at chambers or before a justice of the peace, in such an amount as the Judge may direct.

RECOGNISANCES.

123. Every recognisance acknowledged on the removal of an indictment, order, or other proceeding or to prosecute any information granted by the Queen's Bench Division, or for the appearing or answering of any party in the said Division, or for good behaviour, or for any other purpose, shall after the acknowledgment thereof be transmitted to the Crown Office and filed there.

124. No recognisance shall henceforth be forfeited, estreated, or put upon the *estreat roll* without the order of the Court or a Judge, nor unless an order or notice shall have been previously served upon the parties by whom such recognisances shall have been given, calling upon them to perform the conditions thereof, and no default shall be considered to be made in performing the conditions of a recognisance by reason of the trial of any indictment or presentment or the argument of any order or conviction or other proceeding having stood over where such indictment has been made, a remanet or such indictment or order has stood over by order of the Court, or by consent in writing of the parties.

125. Every recognisance to appear and

answer to any indictment found in the Queen's Bench Division or removed into the same, or to any ex-officio or criminal information, shall, unless the Court or a Judge shall by order dispense therewith, contain, besides any other condition which may be imposed, a condition that the defendant shall personally appear from day to day on the trial of such indictment or information, and not depart until he shall be discharged by the Court before whom such trial shall be had.

126. Whenever it has been made to appear to the Court or a Judge that a party has made default in performing the conditions of any recognisance, into which he has entered, filed in the Crown Office, the Court or a Judge upon notice to the defendant and his sureties, if any, may order such recognisance to be estreated into the Exchequer without issuing any writ of scire facias.

SCIRE FACIAS.

127. No proceedings shall be taken in the Crown Office by scire facias upon recognisance.

PLEADINGS.

(A.)—*Pleadings on Indictment, Information, or Inquisition.*

128. Every pleading other than a plea of guilty or not guilty to an indictment, information, or inquisition shall be intitled: "In the High Court of Justice, Queen's Bench Division," and shall be dated of the day of the month and the year when the same was pleaded, and shall bear no other time or date. It shall be written or printed on paper, and a copy shall be delivered to the opposite party and be filed at the Crown Office.

129. All the proceedings shall be entered on the record made up for trial, and on the judgment roll, under the date of the month and year when the same respectively took place, and without reference to any other time or date, unless otherwise specially ordered by the Court or a Judge.

130. Every special plea or demurrer shall be in writing, and if settled by counsel signed by him, and if not so settled shall be signed by the solicitor or the party if he defends in person.

131. One order only to plead, reply, rejoin, join in demurrer or in error, or plead subsequent pleadings in all prosecutions by way of indictment, inquisition, or information shall be given, and such order may be drawn up and served as well during the sittings as in vacation; and every such order shall expire as follows, that is to say, every order to plead, in ten days next after

service thereof, unless the time be extended by order of the Court or a Judge, and every order to reply, rejoin, join in demurrer, or in error, or plead subsequent pleadings in eight days next after service thereof, unless the time be extended as aforesaid.

132. In indictments for felony or treason the defendant shall plead in open Court in the Queen's Bench Division, unless he has obtained a Judge's order upon special circumstances, for liberty to appear and plead by solicitor in the Crown Office. On the appearance of a defendant to any indictment, inquisition, or information, an order to plead may be drawn up at the Crown Office by the prosecutor or his solicitor.

133. Time in which to plead may be extended on application by summons to a Judge at chambers, upon such terms and for such time, as the Judge in his discretion may think fit.

(B.)—*Pleadings in Quo Warranto.*

134. When any information in the nature of a quo warranto has been filed, the defendant may plead to such information within such time, and in like manner as if the information were a statement of claim delivered in an action, and subject to these Rules this pleading and all subsequent proceedings, including pleadings, trial, judgment, and execution, shall proceed and may be had and taken as if in an action, and where the judgment is for the relator judgment of ouster may be entered for him in all cases.

135. The prosecutor, in answer to a plea that the defendant has held and executed the office or franchise for six years before the exhibiting the information, may reply any forfeiture, surrender, or avoidance by the defendant within the said six years.

(C.)—*Pleadings in Mandamus.*

136. When any return is made to the first writ of mandamus, the applicant may plead to the return within such time and in like manner as if the return were a statement of defence delivered in an action; and subject to these Rules this pleading and all subsequent proceedings, including pleadings, trial, judgment, and execution, shall proceed and may be had and taken as if in an action.

(D.)—*Pleadings in Prohibition.*

137. Where pleadings in prohibition are ordered the pleadings and subsequent proceedings, including judgment and assessment of damages, if any, shall be, as nearly as may be, the same as in an ordinary action for damages.

COPIES OF PROCEEDINGS AND SERVICE.

138. Copies of all informations, indictments, or presentations, and of all pleadings thereupon, and of mandamus and return and traverse or other pleadings thereupon, and of convictions, orders, and every other proceeding filed in the Crown Office shall, when required, be made at the Crown Office and delivered to the respective parties or other parties requiring the same on payment of the proper charges.

139. Whenever under these Rules service of any writ, notice, pleading, order, summons, warrant, or other document, proceeding, or written communication, is not directed to be personal, service at the last known place of abode, or business, with a clerk, wife, or servant, or upon such other person, or in such other manner as the Court or a Judge may direct, shall be deemed to be a sufficient service.

SPECIAL CASES AND DEMURRERS.

140. Order XXXIV. of the Rules of the Supreme Court, 1883 (special case), shall, as far as it is applicable, apply to all civil proceedings on the Crown side.

The following Rules shall apply to all criminal proceedings on the Crown side:—

141. Demurrers and special cases shall be entered at the Crown Office for hearing at the request of either party without any order for a concilium eight clear days before the day on which they are set down for argument, and notice thereof shall be given forthwith to the opposite party.

142. Every special case shall be divided into paragraphs, which as nearly as may be shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively. The taxing officer shall not allow the costs of drawing and copying any special case not substantially complying with this rule without the special order of the Court.

PAPER BOOKS.

143. In all cases entered for argument in the Crown Paper, where paper books are required, the party or solicitor entering shall, two days before the day appointed for argument, deliver two paper books of the proceedings for the use of the Judges at the Crown Office.

144. Such paper books shall be marked "for the use of the Judges in the Queen's Bench Division," and not with the name of any particular Judge.

145. Such paper books shall contain, where the party is seeking to quash any order or conviction, together with the copies

of the proceedings, a copy of the order nisi to quash.

146. If paper books are not delivered the other party may, on the day following, deliver such copies as ought to have been so delivered by the party making default, and the party making default shall not be heard until he shall have paid for such copies or deposited at the Crown Office a sufficient sum to pay for the same. In default of both parties the case shall be struck out, unless otherwise ordered.

147. On the argument of any case entered in the Crown Paper, where the Court has granted an order nisi, the counsel for the parties shewing cause shall begin; but on an order nisi to quash an order or conviction, and in every other case, the counsel for the appellant or party desirous of displacing the status quo shall begin.

NOTICE OF TRIAL.

148. Notice of trial shall state the place at which the trial is to be had, and the day on or after which the record is to be tried.

149. If the prosecutor or relator does not, within six weeks after issue joined, or within such extended time as the Court or a Judge may allow, give notice of trial, the defendant may give such notice, and when the defendant is bound by recognisance to give notice of trial the prosecutor may, in all cases, give notice by proviso.

150. Ten days' notice of trial shall be given in all cases, unless a longer notice shall be ordered by the Court or a Judge, or the party to whom it is given shall consent to take short notice of trial, which shall be understood to mean four days' notice or any longer period.

151. Notice of trial shall be given before entering the record for trial.

152. Notice of trial for London or Middlesex shall not be, or operate as for, any particular sittings, but shall be deemed to be for the day stated in the notice, or for any day after the expiration of the notice, on which the record may come on for trial.

153. Notice of trial elsewhere than in London or Middlesex shall be deemed to be for the first day of the then next assizes, at the place for which notice of trial is given.

154. No notice of trial shall be countermanded, and no record withdrawn except by leave of the Court or a Judge, which leave may be given subject to such terms as to costs or otherwise as may be just.

CONTINUANCES.

155. No continuance by way of imparlance, curia advisari vult, vicecomes non misit breve, or otherwise, shall be necessary,

nor shall any entry thereof be made, upon any record or roll whatever, or in the pleadings.

ENTERING RECORD FOR TRIAL.

156. If the prosecutor or relator, after having given notice of trial for London or Middlesex, does not enter the record within six days, the party to whom notice may have been given shall be at liberty to enter it with the leave of the Court or a Judge.

157. No warrant of *nisi* prius from the Attorney-General for making up a record shall hereafter be necessary.

JURY.

158. Writs of *venire facias*, or other writs for the summoning of juries, shall no longer be used; but the jury, whether special or common, shall be taken from the list of persons summoned for the sittings or assizes, and a panel shall be annexed to the record as in civil cases. Either the prosecutor or the defendant may, except in case of felony, obtain a special jury upon giving the like notice as is required in civil cases, and the Court or a Judge may, at the instance of either party, order that a special jury be struck as provided for by "The Juries Act, 1870." And when the jury has been reduced either party may draw up an order at the Crown Office directing the sheriff to summon that particular jury at such time and place as may be required.

VIEW.

159. Upon any application for a view there shall be an affidavit stating the place at which the view is to be made, and the distance thereof from the office of the under-sheriff, and the sum to be deposited with the under-sheriff shall be 10*l.* in case of a common jury, and 16*l.* in case of a special jury, if such distance do not exceed five miles, and 15*l.* in case of a common jury, and 21*l.* in case of a special jury, if it be above five miles. And if such sum shall be more than sufficient to pay the expenses of the view, the surplus shall forthwith be returned to the solicitor of the party who obtained the view. If such sum shall not be sufficient to pay such expenses the deficiency shall forthwith be paid by such solicitor to the under-sheriff, and the under-sheriff shall pay and account for the money so deposited, according to the scale at the end of the Appendix to these Rules.

TRIAL AT BAR.

160. A trial at bar shall not be had except by order of the Court.

161. An application for a trial at bar shall be by motion for an order *nisi* except when made by the Attorney-General on behalf of the Crown, when the order shall be absolute in first instance as of course.

162. On making the order absolute for a trial at bar the Court may impose such terms on the applicant as to payment of costs, or otherwise, as the Court may think fit.

163. The Court may direct the jury to be summoned from the county in which the offence was committed, or from any other county not exempt by law at any time after joinder of issue. The order for the jury shall be lodged with the sheriff of such county in sufficient time for the jury to be summoned six days before the trial.

164. Three copies of the roll upon which the trial is to take place shall be delivered by the applicant for the trial at bar at the Crown Office for the use of the Judges four days before the day fixed for the trial.

165. A trial at bar may be continued, *de die in diem*, or adjourned to a subsequent day at any time, in the discretion of the Court, without any reference to the sittings of the High Court, and no formal order shall be drawn up for any such continued sitting or adjournment, nor shall any such order be entered on the roll.

NEW TRIAL.

166. Applications for a new trial, or to enter judgment non obstante veredicto, or to arrest judgment where such applications may by law be made, shall be by motion for an order *nisi*. Such motion shall be made to a Divisional Court of the Queen's Bench Division, and in cases tried in London or Middlesex within eight days after the trial, or on the first subsequent day on which a Divisional Court shall sit to hear motions on the Crown side, or if the trial has been had at the assizes, within the first seven days after the last day of the sittings on the circuits for England and Wales; the time of the vacations shall not be reckoned in the computation of time for moving.

167. The time in either case may be extended by the Court or a Judge. The grounds upon which the order was granted shall be stated in the order.

168. A copy of such order shall be served on the opposite party within four days from the time of the same being granted.

169. On moving for a new trial on indictment, information, or inquisition, all the defendants, if more than one, who are not either in custody or who are only liable to a fine must be present in court, unless the Court shall otherwise order.

JUDGMENT BY DEFAULT.

170. In case no plea, replication, rejoinder, joinder in demurrer, or other pleading (except joinder in error by the prosecutor) shall be entered within the time limited, judgment as for want of such pleading may be entered at the opening of the office on the next following morning after the expiration of the time limited, upon filing an affidavit of service of the order to plead, reply, &c., as the case may be, unless an order of the Court or a Judge extending such time shall have been obtained and served, in which case judgment shall not be signed until the day after the expiration of the time granted by such order.

JUDGMENT.

171. Upon every trial, whether at the assizes or at the sittings in London or Middlesex, the associate, clerk of assize, or master shall enter in a book to be kept for that purpose,—1st, the verdict of the jury and all such findings of fact, if any, as the Judge may direct to be entered; 2nd, the directions, if any, of the Judge as to judgment; 3rd, the certificates, if any, granted by the Judge; and the sentence of the Judge if then passed. A certificate, signed by the associate, of such verdict, finding, or direction, judgment, or sentence shall be filed at the Crown Office by the associate, and judgment upon the *postea* may be entered at the Crown Office at any time after the expiration of the time limited for applying for a new trial, or for entering judgment *non obstante veredicto*, or arresting judgment unless otherwise ordered.

172. On all trials for felonies or misdemeanours in the Queen's Bench Division, except upon informations filed by leave of the Court and *ex-officio* informations where the Attorney-General shall pray that the judgment may be postponed, judgment may be pronounced during the sittings or assizes at which the trial has taken place by the Judge before whom the verdict has been taken, as well upon the defendant who shall have suffered judgment by default or confession as upon those who shall have been tried and convicted, and whether such persons be present or not in Court.

173. The Judge before whom the trial shall be had may either issue an immediate order or warrant for committing the defendant in execution, or respite the execution of the judgment on such terms as he shall think fit, and for such time as may be necessary, for the purpose of enabling the defendant to move for a new trial, or in arrest of judgment, and if imprisonment be part of

the sentence, may order the period of imprisonment to commence on the day on which the party shall be actually taken to and confined in prison.

174. If a defendant be convicted and not sentenced at the trial, and is not under recognisance or under sufficient recognisance to appear to receive the sentence of the Court, or if it be made to appear on affidavit or otherwise that he is likely to abscond, a Judge's warrant may be obtained at any time after verdict and before final judgment, and either from the Judge at the trial or from a Judge at chambers, to hold him to bail, or to require him to give such further bail as the Judge in his discretion may think fit, upon a certificate, if he be not under recognisance, of the conviction to be obtained from the clerk of assize or associate; and a certificate of his not being under recognisance from the Crown Office, or if he be under recognisance, upon a certificate of conviction and an affidavit of facts showing the necessity of further bail.

175. The *postea* may be obtained by the party in whose favour the verdict was found from the associate clerk of assize or master on the day after the last day on which a motion may be made for a new trial, or in arrest of judgment, or for judgment *non obstante veredicto*, unless there be an order *nisi* granted, and if an order *nisi* has been granted at any time after such order *nisi* shall have been discharged and shall be produced at the Crown Office where the judgment will be entered in a book and signed on the record, according to the verdict, by the Queen's Coroner and Attorney, or the Master of the Crown Office.

176. If judgment on the *postea* is for the Crown or the prosecutor, and the defendant is not under recognisance to appear to receive sentence, he may be served with a four days' notice to appear on a certain day to receive the sentence of the Court, or the prosecutor may issue a writ of *capias ad satisfaciendum* to take the defendant, to remain in custody without bail or mainprize until he satisfies the judgment or obtains his discharge upon writ of error.

177. If the defendant be not in custody and be under recognisance to appear to receive sentence, the defendant and his bail may be served with a four days' notice, that on a day named therein the Court will be moved for judgment. Such service need not be personal.

178. The *postea*, or if interlocutory judgment be upon confession, default, or retraxit, the entry roll, shall be in Court on moving for final judgment, and if the defendant does not answer on being called three times, the

prosecutor on an affidavit of service of notice may move under Rule 126 to estreat the recognisance, and upon the estreat of the recognisance a Judge may grant a bench warrant for the apprehension of the defendant; or the prosecutor may issue a *capias* and proceed to outlawry.

179. The Court on giving final judgment or the Court of Appeal on affirmance may, if they shall so think fit, on the application of the defendant then present, respite the execution of the judgment for such time as may be necessary for the defendant to obtain the Attorney-General's fiat for a writ of error, or consent for an appeal to the House of Lords upon the defendant entering into a recognisance with two sufficient sureties, upon such terms as the Court may order, to render himself into custody or to prosecute his writ of error or appeal with effect, and may order the period of imprisonment, if that be part of the sentence, to commence on the day on which the party shall be actually taken to and confined in prison.

180. When any defendant shall, after verdict, be brought up for sentence on any indictment or information, after the notes of the trial shall have been read, the affidavits produced on the part of the defendant, if any, shall be read, and then any affidavits produced on the part of the prosecution, after which the counsel for the defendant shall be heard, and lastly, the counsel for the prosecution.

181. When any defendant shall be brought up for sentence after judgment, by default, confession, or retraction, the prosecutor's affidavits shall be first read, then the defendant's affidavits, after which the counsel for the prosecution shall be heard, and lastly the counsel for the defendant.

182. If no affidavits are produced the counsel for the defendant shall be first heard and then the counsel for the prosecutor.

ERROR.

183. Error upon a judgment shall lie to the Queen's Bench Division.

184. No writ of error shall lie without the fiat of the Attorney-General having been first obtained.

185. The writ of error upon judgment given in inferior Courts, with the return thereto, shall be filed at the Crown Office.

186. Rule 179 shall apply to all judgments upon writs of error.

187. The plaintiff in error shall assign errors in person or by his solicitor, and if in person and in custody shall be brought up into Court for that purpose upon a writ of *habeas corpus*.

188. If the plaintiff in error assigns errors by his solicitor or in person and is not in custody, he may do so by delivering the assignment of errors in writing to be filed at the Crown Office.

189. If the plaintiff in error assigns errors in person and is in custody, he shall be brought into Court, and assign errors, and move that counsel may be assigned to him, and shall then deliver to the officer of the Court in writing the assignment of errors to be filed at the Crown Office.

190. Upon delivery of the assignment of errors under the last preceding Rule an order of Court shall be drawn up to commit the plaintiff in error to the Queen's Prison, until the decision of the Court upon the writ.

191. In misdemeanour the plaintiff in error need not assign errors in person, or have counsel assigned to him, or if in custody, be present at the hearing of the case or when judgment is given, unless the Court shall otherwise order.

192. An order for the Attorney-General or Queen's Coroner and Attorney to join in error within eight days after service may be drawn up at the Crown Office and be served, with a copy of the assignment of errors on the prosecutor or his solicitor.

193. If no joinder be filed within eight days, the plaintiff in error being personally present in Court, upon a certificate of notice having been given to the Attorney or Solicitor-General, signed by him or on his behalf, of such intended application, may move the Court for an order *nisi* for judgment; and upon an affidavit of service of the order *nisi* upon the officer of the Court from whence error is brought, the Court may examine the record and give judgment of reversal, or such judgment as the Court from which error is brought ought to have done.

194. If no joinder be filed within eight days, and the plaintiff in error be in custody, he may be brought into Court by order if he be in the Queen's Prison, or by *habeas corpus* if elsewhere, and the plaintiff in error, or his counsel, may then move on an affidavit of service of the order to join in error, and that on search made at the Crown Office that it appears there is no joinder filed, for judgment for the plaintiff in error, and for the prisoner's discharge.

195. Joinder in error shall be filed at the Crown Office by the prosecutor, and a copy served on the plaintiff in error or his solicitor.

196. At any time after filing of the joinder in error the case may be put into the Crown paper for argument upon the application of either party.

197. Two paper books for the use of the Judges shall be delivered by the plaintiff in

error at the Crown office two days before the day appointed for hearing.

198. On judgment being given, an order, either for remanding the prisoners to undergo the remainder of their sentence, or for their discharge, shall be drawn up and lodged with the gaoler by the prosecutor.

199. Where a writ of error has been brought by the defendant and not by the Attorney-General, the defendant on the indictment on obtaining his writ of error, or consent for an appeal to the House of Lords, shall have the execution of the judgment stayed, and receive back the amount of any fine levied upon him upon the judgment, and further if in custody shall be entitled to be discharged from imprisonment on entering into a recognisance with two sufficient sureties to prosecute the writ of error in the Form No. 127 before a Judge of the High Court, or justice of the peace of the county, borough, or place where the defendant may be in custody. The bail to be justified in the usual manner, on twenty-four hours' notice to the prosecutor, or on such other notice as the Judge, or justice of the peace, may order. Provided that in the case of any defendant under legal disability, it shall be sufficient if two persons to be appointed to be approved of by such Judge or justice, shall become bound by such recognisance on behalf of such defendant.

200. Every such recognisance shall be filed at the Crown Office, and the Queen's Coroner and Attorney, or the Master of the Crown Office, shall make out and deliver a certificate sealed with the seal of the office that such recognisance is duly filed of record, which certificate shall be a sufficient warrant to the gaoler having the custody of the plaintiff in error, to discharge him out of custody, and for the repayment of any fine which may have been imposed by the Court by the person having in his possession the whole or any part of the fine levied in execution of such judgment. Provided that no person who shall have received any such money and have paid it over to any other person according to the course of the Exchequer shall be liable to repay to the defendant any part of the money so paid over.

201. If the plaintiff in error shall make default in prosecuting the writ of error with effect or in any other way break the conditions of his recognisance, the Court may estreat the recognisance in a summary way without issuing a writ of scire facias, and order the writ of error to be quashed without any argument thereon, and in every such case the plaintiff in error shall forthwith be liable to execution upon the judgment.

202. Whenever any writ of error shall be brought for the reversal of any judgment in misdemeanour, and error shall be assigned thereon, no judgment of reversal shall be entered either for want of a joinder, or otherwise, without the order of the Court in which such writ of error shall be pending, pronounced in open Court; and upon a certificate, signed by or on behalf of the Attorney or Solicitor-General, that notice has been given to one of them of such intended application, and if there be no joinder in error such Court may proceed to examine the record in error, and give such judgment thereon as the Court from which error is brought ought to have done, although no joinder in error may have been filed.

203. Whenever the judgment against a plaintiff in error shall have been for the payment of a fine, and imprisonment until such fine be paid, either with or without imprisonment for a certain time, and the plaintiff in error shall have paid the fine, or the same or any part thereof shall have been levied and shall have been received back under the provisions of Rules 199 and 200, and the judgment upon writ of error brought shall be affirmed, the plaintiff in error shall not be entitled, by reason of such payment as aforesaid, to be discharged from imprisonment, notwithstanding the expiration of any certain time of imprisonment for which the original judgment shall have been given until the fine shall be again paid.

204. When a recognisance on bail in error shall have been estreated, or judgment been affirmed, or writ of error been quashed, on an affidavit or a certificate of the proper officer of the Court to any such effect, and that default has been made for the space of four days in rendering the plaintiff in error to prison, a Judge at chambers may issue his warrant to cause the defendant to be apprehended and imprisoned pursuant to and in execution of the judgment on an *ex parte* application by the prosecutor.

205. Whenever a plaintiff in error shall be committed by the Court in execution of the judgment given against such plaintiff in error, and whenever a plaintiff in error shall, by virtue of any warrant or in other manner, be rendered to prison in execution of such judgment, the imprisonment (if imprisonment shall not have commenced under such execution) shall be reckoned to begin from the day when such plaintiff in error shall be in actual custody in the prison in which he may have been adjudged to be imprisoned under such judgment; and if the plaintiff in error shall have been discharged from imprisonment on giving bail in error, as is in these rules before mentioned, such plaintiff

in error shall be imprisoned for such further period in the same prison as with the time during which such plaintiff in error may already have been imprisoned under such execution shall be equal to the period for which he was adjudged to be imprisoned as aforesaid.

206. Whenever default shall have been made in rendering a plaintiff in error to prison in execution of a judgment for misdemeanour, and a warrant shall have been issued against such plaintiff in error to enforce such render to prison, according to the provisions of these rules, such plaintiff in error shall be liable to pay the costs and charges of such render; and if the prosecutor shall, before the expiration of the plaintiff in error's imprisonment, have caused the amount of such costs and charges to be ascertained by one of the masters at the Crown Office, and shall have left with the said plaintiff in error, and with the keeper of the prison or his deputy, a certificate under the hand of such master, of the amount of such costs so ascertained, then the said plaintiff in error shall not be discharged out of custody until such costs and charges shall have been paid, or until an order for such discharge has been made by a Court exercising bankruptcy jurisdiction.

ERROR UPON JUDGMENTS IN THE QUEEN'S BENCH DIVISION.

207. Every writ of error from a judgment of the Queen's Bench Division of the High Court shall be made returnable before the Court of Appeal, and served by delivery at the Crown Office.

208. Upon delivery of the writ of error the prosecutor shall enter the proceedings up to judgment on the roll, and carry it into the Crown Office, and if the prosecutor does not, within a reasonable time, carry in the roll, the plaintiff in error may obtain a Judge's order upon a summons to compel him to do so.

209. When the roll has been carried in, the plaintiff in error, on application to the Queen's Coroner and Attorney or the Master of the Crown Office, may obtain a memorandum or certificate of the allowance of the writ of error, for service upon the defendant in error or his solicitor.

210. The plaintiff in error, within twenty days after the allowance of the writ of error, shall make a transcript of the record on parchment and lodge it at the Crown Office, and if the record be not transcribed within such time the defendant in error may move the Court of Appeal for leave to sign judgment of non prosequitur at the Crown Office.

211. When the transcript has been lodged it shall be annexed to the writ of error, and

(on a return made and signed by the Lord Chief Justice of England) delivered into the Court of Appeal by the proper officer at the Crown Office.

212. The plaintiff in error shall, within eight days after delivery of the record into the Court of Appeal, assign errors thereon.

213. Upon filing of the joinder in error the case shall be put into the list of appeals for argument, upon application of either party.

214. The rules as to assigning errors and subsequent proceedings up to judgment in the Queen's Bench Division shall apply to the Court of Appeal.

215. Upon the judgment of the Court of Appeal being pronounced in favour of the plaintiff in error, the Court may either pronounce the proper judgment and order his discharge if in custody, or remit the record to the Queen's Bench Division, to be dealt with according to law.

APPEALS.

216. Order LVIII. of the Rules of the Supreme Court, 1883 (Appeals), shall apply to all civil proceedings on the Crown side, including Mandamus, Prohibition, and Quo warranto.

EXECUTION.

217. Order XLII. of the Rules of the Supreme Court, 1883 (Execution), shall, as far as it is applicable, apply to all civil proceedings on the Crown side.

The following Rules shall apply to all criminal proceedings on the Crown side:—

218. A judgment or order requiring any person to do any act other than the payment of money, or to abstain from doing anything, may be enforced by writ of attachment, or by committal.

219. No writ of execution shall be issued without the party issuing it or his solicitor filing a præcipe for that purpose. The præcipe shall contain the title of the proceeding and the date of the judgment or order on which it is founded, the names of the parties against whom the execution is to be issued, and shall be signed by or on behalf of the solicitor of the party issuing it, or by the party issuing if he do so in person.

220. Every writ of execution shall be indorsed with the name and place of abode, or office of business, of the solicitor actually suing out the same; and when the solicitor actually suing out the writ shall sue out the same as agent for another solicitor, the name and place of abode of such other solicitor shall be indorsed upon the writ, and in case no solicitor shall be employed to issue the writ, then it shall be indorsed with a memorandum expressing that the same has been

sued out by the party in person, mentioning the city, town, or parish, and also the name of the hamlet, street, and number of the house of such residence, if any such there be.

221. Every writ of execution shall be made returnable immediately after the execution thereof.

222. In every case of execution the party entitled to execution may levy the poundage, fees, and expenses of execution over and above the sum recovered.

223. Every writ of execution for the recovery of money shall be indorsed with a direction to the sheriff or other officer or person to whom the writ is directed to levy the money really due and payable and sought to be recovered, with interest at the rate of 4l. per cent. per annum from the time (when the judgment was entered up) or from the date of the order.

224. Every person to whom any sum of money or any costs shall be payable under a judgment, shall immediately after the time when the judgment was duly entered be entitled to sue out one or more writs or writs of fieri facias, or one or more writs of elegit to enforce payment thereof.

225. Every order of the Court or a Judge in any cause or matter may be enforced in the same manner as a judgment to that effect.

226. A writ of execution, if unexecuted, shall remain in force for one year only from its issue, unless renewed in the manner hereinafter provided; but such writ may, at any time before its expiration, by leave of the Court or a Judge, be renewed by the party issuing it, for one year from the date of such renewal, and so on from time to time during the continuance of the renewed writ either by being marked with a seal of the Court bearing the date of the day, month, and year of such renewal, or by such party giving a written notice of renewal to the sheriff, signed by the party or his solicitor, and bearing the like seal of the Court; and a writ of execution so renewed shall have effect and be entitled to priority according to the time of the original delivery thereof.

227. The production of a writ of execution or the notice renewing the same, purporting to be marked with such seal as in the last preceding Rule mentioned, shewing the same to have been renewed, shall be sufficient evidence of its having been so renewed.

228. Writs of fieri facias and of elegit shall have the same force and effect as the like writs have heretofore had, except that a writ of elegit shall no longer extend to the goods of the debtor, and shall be executed in the

same manner in which the like writs have heretofore been executed.

WRITS.

229. All writs on the Crown side shall be issued at the Crown Office Department of the Central Office.

230. Every writ shall be prepared by the solicitor or party suing out the same, and shall be written or printed on parchment. Every writ shall, before being sealed, be indorsed with the name and address of such solicitor or party; and, if sued out by the solicitor as agent, with the name and address of the principal solicitor also. With the exception of writs of subpoena ad testificandum, all writs issued at the Crown Office shall be entered in a book to be there kept for the purpose.

231. Every writ except as hereinafter by these Rules provided shall bear date on the day on which the same shall be issued, and shall be tested at the Royal Courts of Justice, London, in the name of the Lord Chief Justice of England.

232. Every writ, unless by these Rules otherwise provided, issued by the Queen's Bench Division, when returnable in Court, shall be made returnable forthwith in such Division; and such of the aforesaid writs as may be made returnable at chambers, shall be made returnable forthwith before a Judge at chambers, unless otherwise ordered: provided that every writ of habeas corpus ad subjiciendum shall be made returnable immediately.

233. Every order to return a writ shall require such return to be made within four days next after service of such order, if served in London or Middlesex, and within eight days in all other cases. Every writ returnable in Court shall, together with the return thereto, be filed in the Crown Office, and every writ returnable before a Judge shall, after the decision of the Judge thereon, be so filed, with the return and any order made thereon, or a copy of such order; provided that any writ of certiorari to remove inquisitions and depositions taken before a justice of the peace, or a coroner, upon the commitment of any person charged with any offence, shall, as soon as the Court or a Judge shall have exercised their or his discretion thereon, be transmitted to the clerk of assize or clerk of the peace, or other officer (as the case may be) of the county, borough, or place from which they have been received.

234. Every writ to compel an appearance shall require the appearance to be entered in the Crown Office on a day certain, and in case no appearance shall be entered at the

end of four days, exclusive of the return day thereof, further process may issue to compel an appearance, which further process shall be tested on the return day of the previous process; and every writ of *capias ad satisfaciendum* shall have eight days at least between such teste and return.

HABEAS CORPUS.

A.—*Ad subjiendum.*

235. An application for a writ of habeas corpus *ad subjiendum* may be made to the Court or a Judge.

236. If made to the Court the application shall be by motion for an order, which if the Court so direct may be made absolute *ex parte* for the writ to issue in the first instance; or if the Court so direct they may grant an order *nisi*.

237. If made to a Judge he may order the writ to issue *ex parte* in the first instance or may direct a summons for the writ to issue.

238. Provided that no application for a writ of habeas corpus on a warrant of extradition shall be made to a Judge at chambers during the sittings.

239. The writ of habeas corpus shall be served personally, if possible, upon the party to whom it is directed; or if not possible, or if the writ be directed to a gaoler or other public official, by leaving it with a servant or agent of the person confining or restraining, at the place where the prisoner is confined or restrained, and if the writ be directed to more than one person, the original delivered to or left with such principal person, and copies served or left on each of the other persons in the same manner as the writ.

240. If a writ of habeas corpus be disobeyed by the person to whom it is directed, application may be made to the Court on an affidavit of service and disobedience for an attachment for contempt. In vacation an application may be made to a Judge in chambers for a warrant for the apprehension of the person in contempt to be brought before him, or some other Judge, to be bound over to appear in Court at the next ensuing sittings, to answer for his contempt, or to be committed to the Queen's prison for want of bail.

241. The return to the writ of habeas corpus shall contain a copy of all the causes of the prisoner's detainer indorsed on the writ, or on a separate schedule annexed to it.

242. The return may be amended or another substituted for it by leave of the Court or a Judge.

243. When a return to the writ of habeas corpus is made, the return shall first be read, and motion then made for discharging or

remanding the prisoner, or amending or quashing the return.

244. On the argument of an order *nisi* for a writ of habeas corpus the Court may in its discretion direct an order to be drawn up for the prisoner's discharge, instead of waiting for the return of the writ, which order shall be a sufficient warrant to any gaoler or constable or other person for his discharge.

245. Upon the argument before the Court on the return of a writ of habeas corpus the party in whose favour judgment is given shall forthwith draw up an order in accordance with the decision of the Court at the Crown Office, and the writ and return and affidavits shall be filed there. When the order has been made by a Judge at chambers, the writ and return, with the affidavits and a copy of the Judge's order, shall be forthwith transmitted to the Crown Office to be filed.

B.—*Other Writs of Habeas Corpus.*

246. Applications for writs of habeas corpus *ad testificandum*, *ad respondendum*, or *ad deliberandum* and *recipias*, must be made on affidavit to a Judge at chambers.

247. An application to bring up a prisoner to give evidence on any cause or matter civil or criminal before any Court, Justice, or other judicature, may be made to a Judge, on affidavit for an order.

248. An application for habeas corpus *ad deliberandum* and *recipias* shall be for two writs, the writ *ad deliberandum* to the gaoler to deliver the prisoner, and the writ *recipias* to the other gaoler to receive him.

249. When a prisoner is brought up by habeas corpus the counsel for the prisoner shall be first heard, and then the counsel for the Crown, and then one counsel for the prisoner in reply.

MOTIONS.

250. Order LII. of the Rules of the Supreme Court, 1883 (Motions), shall, as far as it is applicable, apply to all civil proceedings on the Crown side. The following rules shall apply to all proceedings on the Crown side:—

251. Unless the Court or a Judge give special leave to the contrary, there shall be at least two clear days between the service of a notice of motion and the day named in the notice for hearing it.

252. The following orders of course may be drawn up at the Crown Office without any motion for the same:—

(a.) To appear, plead, and try (pursuant to recognisance).

(b.) To plead (except pleading double or several matters).

(c.) To demur, join in demurrer, plead any subsequent plea.

(d.) To assign error.

(e.) To join in error.

(f.) To bring in body of prisoner under commitment from Queen's Bench Division, where a writ of habeas corpus is not necessary.

(g.) For habeas corpus in cases where process has issued from the Queen's Bench Division; or where upon writ of error the attendance of the party is necessarily required in Court, or chambers, or at the Crown Office by the Court itself.

(h.) To a sheriff on a return of *cepi corpus* to bring in a prisoner within the proper time.

(i.) To return writs.

(j.) To tax costs.

(k.) To return re-stated cases.

(l.) To supersede attachment, or other process for compelling appearance where appearance has been entered.

(m.) For *certiorari* by consent for orders of sessions where a case has been stated, on such consent being signed by the solicitor or agent for the opposite party.

(n.) For an order *nisi* to quash orders or convictions removed by *certiorari*.

(o.) To make submission to reference an order of Court.

(p.) To make any other proceeding when necessary an order of Court.

(q.) For a view.

(r.) To summon a special jury.

(s.) To summon a jury on trial at bar.

253. All other orders shall, during the sittings, be made by the Court on motion supported by affidavit, but no affidavit shall be necessary for an order demandable as of right by the Crown, or where it is not necessary to state matters of fact.

254. Except as may be otherwise provided by these rules, all applications on the Crown side shall be made by way of motion to a Divisional Court for an order *nisi*.

255. The following applications shall be made upon two clear days' notice of motion, and be brought on as if they were *ex parte* motions and not put into the Crown paper:—

(a.) For time, enlargement, stay, or security.

(b.) To strike a case out of the Crown paper.

(c.) To file a special case by leave of the Court.

(d.) To accelerate a case in the Crown paper on the ground of urgency.

(e.) To substitute a new relator on an information *quo warranto* for the original relator.

(f.) For costs to a defendant in criminal information to the amount of the recognisance.

256. When any motion is made under rule 255 and founded on evidence by affidavit, a copy of such affidavit intended to be used shall be served with the notice of motion.

257. All cases of conviction and of orders, removed into Court from any inferior jurisdiction, shall be entered for argument upon an order to shew cause why the conviction or order should not be quashed.

258. No order on the Crown side, except orders of course, shall be drawn up without the leave or order of the Court or a Judge, or of the Queen's Coroner and Attorney, or the Master of the Crown Office.

259. If on the hearing of a motion or other application the Court or a Judge shall be of opinion that any person to whom notice has not been given ought to have or to have had such notice, the Court or Judge may either dismiss the motion or application, or adjourn the hearing thereof, in order that such notice may be given, upon such terms, if any, as the Court or Judge may think fit to impose.

260. The hearing of any motion or application may from time to time be adjourned upon such terms, if any, as the Court or Judge shall think fit.

ATTACHMENT FOR CONTEMPT.

261. An application for an attachment for contempt shall be by motion for an order *nisi*. The service of an order *nisi* for an attachment shall be personal.

262. Every writ of attachment for contempt shall be made returnable in the Queen's Bench Division on a day certain during the sittings. In case of a return of *non est inventus* thereon one or more writs may issue tested on the return day of the previous writ.

263. If the sheriff returns *cepi corpus*, on application at the Crown Office, an order shall be drawn up for a writ of habeas corpus to issue to bring in the body of the defendant.

264. When the defendant is brought before the Court on the attachment, a motion may be made by the prosecutor, or, if he does not make it, by the defendant, that he may be sworn to answer such questions or interrogatories as may be put to him by the prosecutor, and must give such bail to answer them before the Queen's Coroner and Attorney, or the Master of the Crown Office, as the Court may think fit, and for the Master to proceed to examine the matter and report to the Court thereon.

265. In default of bail the defendant shall be committed to the Queen's Prison, but if at any time after he be prepared to give it, he may be brought before the Court or a Judge on an order on the person in whose

custody he is, which order shall be drawn up on application at the Crown Office for that purpose.

266. On the defendant being sworn an order may be drawn up at the Crown Office, and served on the prosecutor to file interrogatories within four days after the service thereof. If no interrogatories are filed at the end of the fourth day, on obtaining a certificate from the Queen's Coroner and Attorney, or Master of the Crown Office to that effect, the defendant shall be discharged out of custody by an order of the Court or a Judge.

267. The answers to the interrogatories shall be signed by the defendant and also acknowledged by him before any Commissioner to administer oaths in the Supreme Court of Judicature.

268. On an intimation to one of the parties that the Master is prepared with his report, a motion may be made on a four days' notice to be served on the other party, that the Master on a day certain do make his report to the Court.

269. The defendant shall be present in Court on the Master's report being made; if he be in the Queen's Prison under process from the High Court, an order may be drawn up on application at the Crown Office for the governor of the Queen's Prison to bring him into Court; but if he be in custody in any other prison, or under process from any other Court, the order shall be for a writ of habeas corpus, which order may be drawn up in like manner, and such writ issued thereon.

270. If the defendant be out on bail, the prosecutor shall, if possible, give notice to the defendant and his bail that the defendant is required personally to attend the Court on the report, and that if he does not so attend the Court will be moved to estreat the recognisance.

271. If the defendant be reported in contempt, the Court after hearing the parties on the report may either pronounce sentence at once or commit him to the Queen's Prison until some future day for that purpose, when an order shall be drawn up at the Crown Office directing the governor of the Queen's Prison to bring the defendant into Court.

272. On proceeding to sentence, affidavits in mitigation or aggravation may be read, and the defendant or his counsel heard, and the prosecutor's counsel be heard in reply.

273. If the defendant be sentenced to imprisonment, the order for sentence shall be lodged with the gaoler of the prison to which he is committed.

274. If the defendant is reported not to be in contempt, the Court may order him

and his recognisances to be discharged, and with costs if the Court shall be of opinion that the prosecutor's complaint was groundless and the attachment vexatious.

275. All interrogatories in writing on attachments shall be signed by counsel.

276. It shall be lawful for the Queen's Coroner and Attorney, or the Master of the Crown Office, to disallow any question or interrogatory that he considers irrelevant or otherwise improper.

DE CONTUMACE CAPIENDO—EXCOMMUNICATO CAPIENDO.

277. On a writ of de contumace or de excommunicato capiendo being issued, it shall be handed to the Queen's Coroner and Attorney, or Master of the Crown Office (in open Court during the sittings, to be opened and indorsed and sent to the Crown Office), and the prosecutor's solicitor may then apply at the Crown Office for the writ and shall lodge it with the sheriff for execution.

278. On a return by the sheriff that he has taken the defendant, an application may be made to the Court on behalf of the defendant for an order nisi to set aside the proceedings for irregularity or insufficiency, or for a writ of habeas corpus to bring up the defendant to be discharged for the want of sufficiency in the writ.

279. If the sheriff returns non est inventus the prosecutor may issue a writ of capias super contumace capiendo with a penalty of £10, which shall be tested on the return day of the contumace capiendo and made returnable two months after the teste. If return be made to the writ of capias that the defendant has not yielded himself to prison, an alias writ of capias, with an increased penalty of £20, may be issued by the prosecutor in like manner, and so on until the defendant has yielded himself to custody, where he shall remain without bail or mainprize as if he had been taken on the original writ.

ARTICLES OF THE PEACE.

280. An application for leave to exhibit articles of the peace in the Queen's Bench Division, and for an attachment thereon, shall be made ex parte to a Divisional Court by motion for an order absolute in the first instance.

281. Upon the motion being made the exhibitant shall be sworn or affirmed to the truth of the articles by the Master in Court, and the articles shall then be handed in and read by him.

282. The writ of attachment shall be issued from the Crown Office, and may be directed to the sheriff of any county in

which the defendant may be found, and shall be made returnable on a day certain.

283. After the return day, on application at the Crown Office, the prosecutor may obtain an order to return the writ.

284. On a return of "*non est inventus*" the subsequent proceedings shall be the same as provided by the rules on attachment for contempt up to capture.

285. On a return of *cepi corpus*, an order for the issuing a writ of *habeas corpus* to bring in the body may be obtained by the prosecutor by application at the Crown Office.

286. On the sheriffs bringing in the body counsel may move that the defendant be ordered to find security for the peace.

287. On the motion for security the articles must be read in the presence of the defendant in Court, and the defendant may file affidavits in mitigation and be heard by himself or counsel upon them, or upon the articles, but may not contradict the truth of the matters stated in the articles.

288. The amount and conditions of the recognisance and period during which the security shall extend must be settled by the Court itself, and if the defendant is unable to find bail the prosecutor must draw up an order for his committal to the Queen's Prison until he finds the required bail.

289. Upon finding the required bail the defendant on application on his behalf at the Crown Office may obtain an order to bring up the defendant either before the Court or a Judge at chambers to enter into the recognisance and obtain his discharge.

290. To remove articles of the peace originally exhibited at the assizes, or sessions of the peace, in order that an attachment may be issued upon them, an order for a writ of *certiorari* as of course may be obtained by the prosecutor on application at the Crown Office.

291. An application on behalf of a defendant for a writ of *certiorari* to remove articles of the peace originally exhibited at the assizes or sessions of the peace to quash the articles, and if the defendant be in custody for a writ of *habeas corpus*, to bring up and discharge him or his recognisance, shall be made to a Divisional Court by motion for an order *nisi*.

292. On the argument of the order the Court will either discharge the defendant and his recognisance, or commit him to the Queen's Prison until he find the required bail as if the articles had been originally exhibited in the Queen's Bench Division.

TIME.

293. Order LXIV. of the Rules of the Supreme Court, 1883 (Time), shall, as far as

it is applicable, apply to all civil proceedings on the Crown side.

The following Rules shall apply to all criminal proceedings on the Crown side :—

294. In all cases in which any particular number of days, not expressed to be clear days, is prescribed by the rules or the practice of the Court, the same shall be reckoned exclusively of the first day and inclusively of the last day.

295. Where any limited time less than six days from and after any date or event is appointed or allowed for doing any act or taking any proceedings, Sunday, Christmas Day, and Good Friday shall not be reckoned in the computation of such limited time.

296. Where the time for doing any act or taking any proceeding expires on a Sunday or other days on which the offices are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, as far as regards the time of doing or taking the same, be held to be duly done or taken, if done or taken, on the day on which the office shall next be opened.

297. A Court or a Judge shall have power to enlarge or abridge the time appointed by these Rules, or fixed by any order enlarging time for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require; and any such enlargement may be ordered at the discretion of the Court or a Judge, although the application for the same is not made until after the expiration of the time appointed or allowed.

298. In all causes in which there have been no proceedings for one year from the last proceeding had, the party, whether prosecutor or defendant, who desires to proceed, shall give a calendar month's notice to the other party of his intention to proceed. A summons of a Judge, on which no order has been made, shall not be deemed a proceeding within this Rule. Notice of trial, though afterwards countermanded, shall be deemed a proceeding within it.

AMENDMENT.

299. Order XXVIII. of the Rules of the Supreme Court, 1883 (Amendment), shall, as far as it is applicable, apply to all civil proceedings on the Crown side.

COSTS.

300. Order LXV. of the Rules of the Supreme Court, 1883 (Costs), shall, as far as it is applicable, apply to all civil proceedings on the Crown side.

301. Order LXV. of the Rules of the

Supreme Court, 1883 (Costs), special and general regulations, Rule 27, shall, as far as it is applicable, apply to all criminal proceedings on the Crown side.

NOTICES.

302. Order LXVI. of the Rules of the Supreme Court, 1883 (Notices), shall, as far as it is applicable, apply to all civil proceedings on the Crown side.

NON-COMPLIANCE.

303. Order LXX. of the Rules of the Supreme Court, 1883 (Effect of non-compliance), shall, as far as it is applicable, apply to all proceedings on the Crown side, civil or criminal.

APPLICATIONS AT CHAMBERS.

304. In every proceeding, civil or criminal, on the Crown side at chambers, the summons shall be issued from, and the order drawn up at, the Crown Office.

305. No summons to shew cause before a Judge at chambers shall be issued in the following matters without the leave of a Judge upon an ex parte application :—

- (a.) For a writ of mandamus.
- (b.) For a writ of certiorari.
- (c.) For a writ of habeas corpus.
- (d.) For a writ of prohibition.
- (e.) For bail in felony.

INTERPRETATION CLAUSE.

306. In these Rules, unless repugnant to the context, the singular number shall include the plural, and the plural number shall include the singular.

"Crown side" means the Crown side of the Queen's Bench Division.

"Judge at chambers" shall include a Judge at chambers in London and elsewhere.

"Judgment" shall include order and conviction.

REPEAL.

307. Order LIII., Part II., of the Rules of the Supreme Court, 1883 (Prerogative Mandamus), is hereby repealed.

FORMS.

308. The forms in the appendix when applicable, and where not applicable forms of the like character as near as may be, shall be used in all proceedings on the Crown side.

(Signed) HALSBURY, C.
COLERIDGE, C.J.
ESHER, M.R.
JAMES HANNEN, Pres., P.D.A.
NATHL. LINDLEY, L.J.
EDW. FRY, L.J.
C. E. POLLOCK, B.
H. MANISTY, J.

December 18, 1885.

APPENDIX TO CROWN OFFICE RULES, 1886.

FORMS.

No. 1.

GENERAL FORM OF WRIT OF CERTIORARI FOR ORDERS, &c.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to [*here insert direction*] to A.B. [and C.D. and E.F.] and to every of them greeting: We being willing for certain reasons that [*here insert description of order or other proceeding to be removed from the order for the certiorari*]

(as is said) be sent by you before Us, do command you, and every of you, that you or one of you do send forthwith under your hands [or seals] or the hand [or seal] of one of you before Us, in the Queen's Bench Division of Our High Court of Justice at the Royal

Courts of Justice, London, all and singular the said orders [or the said order] with all things touching the same as fully and perfectly as they [or it may] have been made by you [or some of you], and now remain in your custody or power, together with this Our writ, that we may cause further to be done thereon what of right and according to the law and custom of England We shall see fit to be done. Witness, JOHN DUKE, BARON COLERIDGE, at the Royal Courts of Justice, London, the day of in the year of Our Lord one thousand eight hundred and eighty-six.

To be indorsed.

By order of Court [or of Mr. Justice].
At the instance of .

This writ was issued by M.N. of X., solicitor for [or, if the case be so, "agent for" G.H., the solicitor for].

No. 2.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR
CERTIORARI TO REMOVE INDICTMENT INTO
THE QUEEN'S BENCH DIVISION.

In the High Court of Justice,
Queen's Bench Division.

I, A.B., of, &c. , make oath and
say as follows :

1. That at the general quarter sessions of
the peace holden at , in and for
the county of , on or about the
day of , a bill of indict-
ment was preferred to the grand jury who
returned a true bill [or that it is intended
to prefer a bill of indictment, as the case
may be].

2. That, in my judgment and belief, nice
and intricate questions or points of law will
arise on the trial of the said indictment,
which will render it important that the same
should be tried before one of the learned
Judges of the High Court of Justice, and
particularly, that a question will, as I am
advised, be raised as to whether [state the
particular question that will arise, or that a
question will arise upon the construction of an
Act of Parliament].

3. That, in my judgment and belief, it will
be material and necessary that the said in-
dictment should be tried by a special jury,
which cannot be had, unless the said indict-
ment be removed into this honourable Court.
And that I [or as the case may be] will cause
a special jury to be had if the said indict-
ment should be so removed.

4. That I verily believe that it will be im-
portant and necessary that a view of the
place and premises in question should be had
by some of the jurymen to be impanelled,
to try the issue joined upon the said indict-
ment, which I am informed and believe can
only be had by the said indictment being
removed into this honourable Court.

5. That, by reason of [here state what has
occurred to create prejudice], I verily believe
that strong prejudices have been created in
the minds of some of the Justices who may
preside at the sessions upon the trial of the
said indictment. And also among that class
of persons in the said place from whom the
common jurors are selected for the trials at
the said sessions, and some of whom are
likely to be called upon the jury for the trial
of the said indictment, unless the same be
removed into this honourable Court. And,
therefore, that a fair and impartial trial of
the same cannot be had at the said ses-
sions.

6. That [add any other allegation which
may be likely to induce the Court or a Judge to
grant the writ of Certiorari, consistent with

the facts and circumstances of the case required
to be removed.]

[Omit any of the foregoing allegations which
may not be applicable to the case.]

No. 3.

SUMMONS FOR CERTIORARI TO REMOVE INDICT-
MENT INTO THE QUEEN'S BENCH DIVISION.

In the High Court of Justice,
Queen's Bench Division.

*The Honourable Mr. Justice in
Chambers.

Upon reading the affidavit of
filed the day of , 188 , and
upon hearing counsel [or the solicitor] for the
Defendant [or Prosecutor]—

It is ordered that the prosecutor [or defen-
dant] attend the Judge in Chambers on the
day of 18 , at the hour of
in the noon, upon the hearing
of an application for a writ of certiorari
directed to the keepers of the peace and Jus-
tices in and for the county of [or
as the case may be] to remove into this divi-
sion all and singular indictments of whatso-
ever misdemeanours [or felonies] whereof
A.B. is [or may be, if indictment not pre-
ferred] before them indicted.

At the instance of the Defendant [or Pro-
secutor].

Dated the day of 188 .

This summons was taken out by
of , solicitor for .
To

* Here insert name of Judge.

No. 4.

JUDGE'S ORDER FOR CERTIORARI TO REMOVE
INDICTMENT INTO THE QUEEN'S BENCH
DIVISION. (See Rule 30.)

In the High Court of Justice,
Queen's Bench Division.

*The Honourable Mr. Justice in
Chambers.

Upon reading the affidavit of
filed the day of , 188 , and
upon hearing counsel on both sides [or as the
case may be]—

It is ordered that a writ of certiorari issue
directed to the keepers of the peace and Jus-
tices in and for the county of [or
as the case may be] to remove into this divi-
sion all and singular indictments of whatso-
ever misdemeanours [or felonies] whereof

* Here insert name of Judge.

A.B. is [or may be, *if indictment not preferred*] before them indicted.

At the instance of the Defendant [or Prosecutor].

And it is further ordered that the amount of the recognisance to be entered into be by the Defendant [or Prosecutor] in the sum of £ , with two sureties in the sum of £ each.

Dated, &c.

No. 5.

SUMMONS TO REMOVE INDICTMENT FROM ASSIZES OR CENTRAL CRIMINAL COURT INTO THE QUEEN'S BENCH DIVISION.

In the High Court of Justice,

Queen's Bench Division.

The Honourable Mr. Justice in Chambers.

Upon reading the affidavit of , filed the day of , 188 , and upon hearing counsel [or the solicitor] for the Prosecutor [or Defendant]—

It is ordered that the Defendant [or Prosecutor] attend the Judge in Chambers on the day of next, upon the hearing of an application for an order that all and singular indictments of whatsoever misdemeanours [or felonies] whereof *A.B.* is [or may be] before the Justices of oyer and terminer, in and for the county [or city] of [or before the Justices of the Central Criminal Court] indicted, be removed into this division [*if from Central Criminal Court add*] for trial in and for the county of Middlesex [or Essex, Kent, or Surrey, or the City of London, *as the case may be*].

At the instance of the Prosecutor [or Defendant].

Dated, &c.

This summons, &c. [*as in Form No. 3*].

No. 6.

JUDGE'S ORDER TO REMOVE INDICTMENT FROM ASSIZES OR CENTRAL CRIMINAL COURT INTO THE QUEEN'S BENCH DIVISION.

In the High Court of Justice,

Queen's Bench Division.

The Honourable Mr. Justice in Chambers.

Upon reading the affidavit of , filed the day of , 188 , and upon hearing counsel [or the solicitors] on both sides [*or as the case may be*]—

It is ordered that [*as in the Summons, No. 5*] and that the clerk of assize for the said

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county [or city] [or the clerk of the Central Criminal Court] do send forthwith the said indictments into the said Queen's Bench Division.

At the instance of the Prosecutor [or Defendant].

And it is further ordered that the amount of the recognisance, &c. [*as in No. 4*].

Dated, &c.

No. 7.

WRIT OF CERTIORARI TO REMOVE INDICTMENT INTO THE QUEEN'S BENCH DIVISION.

VICTORIA, by the Grace of God, &c., to and to every of them, greeting :

We being willing, for certain reasons, that all and singular indictments of whatsoever felonies [or misdemeanours] whereof *A.B.* is [*if indictment not yet preferred, add, or may be*] before you indicted (as is said), be determined before Us, in the Queen's Bench Division of Our High Court of Justice, and not elsewhere, do command you and every of you, that you or one of you do forthwith send under your seals, or the seal of one of you, before us in Our said Court at the Royal Courts of Justice, London, all and singular the said indictments, with all things touching the same, by whatsoever name the said *A.B.* may be called therein, together with this Our writ, that we may cause further to be done thereon what of right and according to the law and custom of England we shall see fit to be done. Witness, &c.

To be indorsed.

By order of Court [or of Mr. Justice , *as the case may be*].

At the instance of the Prosecutor [or Defendant].

Recognisance by the Prosecutor [or Defendant] in the sum of £ with [*two*] sureties in the sum of £ each.

This writ was issued by , of , agent for , of solicitor for the Prosecutor [or Defendant].

No. 8.

WRIT OF CERTIORARI TO REMOVE INDICTMENT FROM THE CENTRAL CRIMINAL COURT.

VICTORIA, by the Grace of God, &c., to Our Justices of the Central Criminal Court, and to every of them, greeting : We being willing, for certain reasons, that all and singular indictments of whatsoever felonies [or misdemeanours] whereof *A.B.* is [*if indictment not yet preferred, add, or may be*]

D

before you indicted (as is said), be determined before Us in the Queen's Bench Division of Our High Court of Justice, and not elsewhere, do command you and every of you, that you or one of you do forthwith send under your seals, or the seal of one of you, before us in Our said Court, at the Royal Courts of Justice, London, all and singular the said indictments, with all things touching the same, by whatsoever name the said A.B. may be called therein, together with this Our writ, that we may cause further to be done thereon for the trial of the said indictment in and for the county of Middlesex [or Essex, Kent, Surrey, or City of London, as the case may be], what of right and according to the law and custom of England we shall see fit to be done. Witness, &c.

Indorsement as in Form No. 7.

No. 9.

WRIT OF CERTIORARI TO REMOVE INDICTMENT INTO CENTRAL CRIMINAL COURT.

VICTORIA, by the Grace of God, &c., to

We being willing, for certain reasons, that all and singular indictments*

be determined before Our Justices of the Central Criminal Court, and not elsewhere, do command you and every of you, that you or one of you do send under your seals, or the seal of one of you, before Our said Justices of the Central Criminal Court at the next Sessions to be holden for the jurisdiction of the said Central Criminal Court, at Justice Hall, in the Old Bailey, in the suburbs of Our City of London,†

all and singular the said indictments, with all things touching the same, by whatsoever name the said

may be called therein, together with this Our writ, that Our said Justices of the Central

* NOTE.—When indictment has already been found, here insert the words "of whatsoever misdemeanours [or felonies, as the case may be] whereof the said A.B. is before you indicted."

When indictment has not been preferred, insert "which may be found against for any of the offences for which he has been committed to take his trial at the next assizes [or as the case may be] to be holden in and for the county

† NOTE.—If indictment not found, insert "after such Assizes [or Quarter Sessions of the Peace] as aforesaid."

Criminal Court may cause further to be done thereon what of right and according to the law and custom of England they shall see fit to be done. Witness, &c.

To be indorsed.

By order of Court [or of Mr. Justice].
At the instance of the Prosecutor [or Defendant].

Recognisances by the Prosecutor [or Defendant] in the sum with two [or as the case may be] sureties in the sum of £ , each conditioned to

This writ was issued by, &c.

No. 10.

RECOGNISANCE BY PROSECUTOR ON CERTIORARI TO REMOVE INDICTMENT INTO QUEEN'S BENCH DIVISION.

Be it remembered, that on the day of 188 , before [here insert name and description of Judge or Justice of the peace before whom acknowledged] cometh A.B. [name of Prosecutor] of , the Prosecutor of the indictment hereinafter mentioned, and C.D., of [merchant], and E.F., of [farmer] [names and descriptions of two sureties], and acknowledge themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say:—The said Prosecutor the sum of and the said C.D. and the said E.F. the sum of

pounds each of lawful money of Great Britain, to be levied upon their several goods and chattels, lands and tenements, to Her Majesty's use, upon condition that if the said Prosecutor shall pay to the Defendant in case he the said Defendant shall be acquitted upon an indictment against him for certain misdemeanours [or felonies] removed into the Queen's Bench Division of Her Majesty's High Court of Justice, at the instance of the said Prosecutor, his the said Defendant's costs incurred subsequent to the removal of such indictment, then this recognisance to be void, or else to remain in full force.

Taken and acknowledged the day and year above mentioned.

Before me,

No. 11.

RECOGNISANCE BY DEFENDANT ON CERTIORARI TO REMOVE INDICTMENT INTO QUEEN'S BENCH DIVISION.

Be it remembered, that on the day of 188 , A.B., of , in the county of , C.D., of , in

the county of [merchant], and *E.F.*, of [farmer], in the county of [farmer], come before me, *G.H.*, one of Her Majesty's Justices of [farmer], and acknowledge to owe our said Lady the Queen the several sums following, that is to say:—The said *A.B.* the sum of [farmer] pounds, and the said *C.D.* and *E.F.* the sum of [farmer] pounds each of lawful money of Great Britain to be levied upon their several goods and chattels, lands and tenements, to Her Majesty's use, upon condition that if the said *A.B.* shall appear forthwith in the Queen's Bench Division of Her Majesty's High Court of Justice, at the Royal Courts of Justice, London, and shall plead to all and singular indictments of whatsoever misdemeanours [or felonies] whereof he stands indicted, and at his own proper costs and charges shall cause and procure the issue or issues that may be joined thereon to be tried at the next assizes to be holden in and for the county of [farmer] [or at the [present [or next] [Hilary]] sittings of the High Court of Justice for the county of Middlesex] if the said Queen's Bench Division shall not appoint any other time for the trial thereof, and if the said Queen's Bench Division shall appoint any other time, then at such other time, and shall give due notice of such trial to the Prosecutor or his solicitor, and shall personally appear from day to day on the trial of the said indictment, and not depart until he shall be discharged by the Court before whom such trial shall be had; and shall appear from day to day on the return of the *Postea* in the said Queen's Bench Division, and not depart until discharged by such last-mentioned Court. And in case he, the said *A.B.*, shall be convicted, he shall pay to the Prosecutor his costs incurred subsequent to the removal of such indictment, then this recognisance to be void, or else to remain in full force.

Taken, &c.

No. 12.

NOTICE TO JUSTICES OF APPLICATION FOR CERTIORARI TO REMOVE ORDER OF SESSIONS ON APPEAL PURSUANT TO RULE 33.

To *A.B.* and *C.D.*, Esquires, two of Her Majesty's Justices of the Peace in and for the county [city, or borough, &c.] of [farmer]

Take notice that the Queen's Bench Division of Her Majesty's High Court of Justice at the Royal Courts of Justice, London, will be moved on the [farmer] day of [farmer], or so soon after as counsel can be heard [or, if in vacation, that application will be made to a Judge in Chambers at the Royal Courts of

Justice, London, on the [farmer] day of [farmer], at the hour of [farmer] in the [farmer] noon]. On behalf of [the inhabitants of the parish of [farmer] in the county of [farmer]] for a writ of Certiorari to remove into the said Court all and singular orders made by the keepers of the peace and Justices in and for the county [city, or borough, &c.] of [farmer] or some of them, at a general sessions of the peace held at [farmer], in and for the said county, on or about the [farmer] day of [farmer] last, upon an appeal between [the guardians of the poor of the [farmer] union, in the county of [farmer]], appellants, and [the guardians of the poor of the [farmer] union, in the county of [farmer]], respondents, touching an original order of two Justices for the removal of *E.F.* from the said parish of [farmer] to the parish of [farmer], in the said [farmer] union [or as the case may be]. Upon the hearing of which said appeal the said original order was quashed [or affirmed].

Dated, &c.

(Signed)

of
Solicitor for the above-named inhabitants of the said parish of [farmer]

No. 13.

NOTICE TO JUSTICES OF APPLICATION FOR CERTIORARI TO REMOVE CONVICTION, OR ORDER OF JUSTICES PURSUANT TO RULE 33.

To *A.B.* and *C.D.*, Esquires, two of Her Majesty's Justices of the Peace in and for the county [city, or borough] of [farmer]

Take notice that the Queen's Bench Division of Her Majesty's High Court of Justice at the Royal Courts of Justice, London, will be moved on the [farmer] day of [farmer], or so soon after as counsel can be heard [or, if in vacation, that application will be made to a Judge in Chambers at the Royal Courts of Justice, London, on the [farmer] day of [farmer], at the hour of [farmer] in the [farmer] noon], on behalf of *E.F.*, for a writ of Certiorari to remove into the said Court a certain record of conviction [or order], under the hands and seals of you, the said *A.B.* and *C.D.*, as such Justices as aforesaid, made on or about the [farmer] day of [farmer], whereby the said *E.F.* was convicted of [here describe the offence, or describe concisely the order intended to be removed].

Dated, &c.

(Signed)

E.F. [or by his solicitor, stating himself to be the solicitor for the above-named *E.F.*].

No. 14.

AFFIDAVIT OF SERVICE OF NOTICE OF APPLICATION FOR CERTIORARI FOR CONVICTION, OR ORDER OF JUSTICES, OR ORDER OF SESSIONS.

In the High Court of Justice,
Queen's Bench Division.

I, *G.H.*, of _____, clerk to _____, solicitor for *E.F.*, make oath and say :—

1. That I, _____, did, on the _____ day of _____, serve *A.B.*, Esquire, one of Her Majesty's Justices of the Peace, in and for the county of _____, with the notice hereunto annexed, marked *A.*, by delivering a true copy of the said notice to the said *A.B.* at _____, in the said county [or where the service is not personal, as follows].

That I, _____, did, on the _____ day of _____, also serve *C.D.*, Esquire, one other of Her Majesty's Justices of the Peace, in and for the said county, with the said notice, by delivering a true copy of the said notice to and leaving the same with [the wife, clerk, or servant] of the said *C.D.*, at the house or residence of the said *C.D.*, situate at _____, in the said county.

If Order of Sessions, add—

*2. That the said *A.B.* and *C.D.* were present at the sessions of the peace in and for the said county when the appeal mentioned in the said notice was heard, and were and are two of Her Majesty's Justices of the peace in and for the said county, by and before whom the Order of Sessions mentioned in the said notice was made.

Sworn, &c.

G.H.

Filed on behalf of _____

* In the case of city or borough sessions held before the Recorder only, this paragraph not necessary.

No. 15.

SUMMONS FOR CERTIORARI FOR CONVICTION, OR ORDER OF JUSTICES, OR ORDER OF SESSIONS.

In the High Court of Justice,
Queen's Bench Division.

The Hon. Mr. Justice _____, Judge in Chambers.

Upon reading the several affidavits of *E.F.* and *G.H.*, and the exhibit* thereto annexed, filed the _____ day of _____, 188____, and upon hearing counsel [or the solicitor] for the said *E.F.*—

It is ordered that all parties concerned attend the Judge in Chambers at the Royal

* A copy of the conviction or order should be exhibited.

Courts of Justice on the _____ day of _____, 188____, at the hour of _____ in the _____ noon, upon the hearing of an application for a writ of Certiorari, to remove into this Court a certain record of conviction [or order] under the hands and seals of *A.B.* and *C.D.*, Esquires, two of Her Majesty's Justices of the peace in and for the county of _____, made on or about the _____ day of _____, whereby *E.F.* was convicted of [or ordered to, &c. Here describe shortly the offence or substance of the Order].

[If for Order of Sessions, say, a certain Order of Sessions made upon a certain appeal between [the Guardians of the Poor of the _____ Poor Law Union], appellants, and [the Guardians of the Poor of _____ Poor Law Union], respondents, touching the last place of legal settlement of *I.K.*, a poor person chargeable to the said _____ Union (or otherwise shortly describe the appeal)], on the grounds :—

[If objection on account of any omission or mistake in drawing up of Order or judgment insert grounds].

At the instance of _____

Dated, &c.

No. 16.

JUDGE'S ORDER FOR CERTIORARI FOR CONVICTION, OR ORDER OF JUSTICES, OR ORDER OF SESSIONS.

[Heading as in No. 15.]

Upon reading the affidavit of *L.M.*, filed the _____ day of _____, 188____, and upon hearing counsel [or the solicitors] on both sides—

It is ordered that a writ of Certiorari issue to remove into this Court a certain [as in the Summons No. 15].

No. 17.

CERTIORARI TO REMOVE CONVICTION, ORDER OF JUSTICES, OR ORDER OF SESSIONS.

VICTORIA, by the grace of God, &c., to the keepers of Our peace and Our Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within our county [or borough, or other jurisdiction, as the case may be] of _____ and to every of them, greeting : We being willing for certain reasons that all and singular orders made by you or some of you [or if order of Justices, say by *A.B.* and *C.D.*, Esquires, two of Our Justices assigned as aforesaid (or if conviction, say all and singular records of conviction made, &c.,

whereby)]. [*Here shortly describe the substance of the order or offence, &c. to be removed*] (as is said), be sent by you before Us, do command you and every of you, that you or one of you do send forthwith under your seals, or the seal of one of you, before Us, in the Queen's Bench Division of Our High Court of Justice, at the Royal Courts of Justice, London, all and singular the said orders, with all things touching the same, as fully and perfectly as they have been made by you, or some of you, and now remain in your custody or power, together with this Our writ, that We may cause further to be done thereon what of right and according to the law and custom of England We shall see fit to be done.

Witness, &c.

To be indorsed.

By Order of Court [or of Mr. Justice].
At the instance of the within-named Defendant [or as the case may be].
This writ was issued by, &c.

No. 18.

RECOGNISANCE TO PROSECUTE CERTIORARI FOR CONVICTION, ORDER OF JUSTICES, OR ORDER OF SESSIONS.

Be it remembered, that on the day of , 188 , *E.F.*, of , *N.O.*, of , and *P.Q.*, of , come before me, *R.S.*, Esquire, one of Her Majesty's Justices of the Peace in and for the county of , and acknowledge to owe to our Sovereign Lady the Queen the sum of fifty pounds of lawful money of Great Britain, to be levied upon their goods and chattels, lands and tenements, to Her Majesty's use, upon condition that if the said *E.F.* shall prosecute with effect, without any wilful or affected delay, at his own proper costs and charges, a writ of Certiorari issued out of the Queen's Bench Division of Her Majesty's High Court of Justice, to remove into the said Court all and singular orders [or as the case may be. *Insert description from Certiorari*] and shall pay to the Prosecutors, within one month next after the said orders shall be confirmed in the said Court, all their full costs and charges, to be taxed according to the course of the said Court, then this recognisance to be void or else to remain in full force.

Taken and acknowledged the day and year first aforesaid.

Before me,
[*Signed, &c.*]

*No. 19.

RECOGNISANCE ON SPECIAL CASE ON ORDER OF SESSIONS.

Be it remembered, that on the day of , 188 , *A.B.*, of the parish of , in the county of [*on behalf of himself and the rest of the inhabitants of the said parish, if the case be so*], and *C.D.*, of , and *E.F.*, of [*here insert the names and additions of two householders for bail*], come before me, , one of Her Majesty's Justices of the peace in and for the county of , and acknowledge to owe to our Sovereign Lady the Queen the sum of fifty pounds, to be levied upon their goods and chattels, lands and tenements, to Her Majesty's use, upon condition that if he, the said *A.B.*, [*on behalf of himself and the rest of the inhabitants of the said parish of*], shall prosecute with effect, without any wilful or affected delay, at their own proper costs and charges, certain proceedings in the Queen's Bench Division of Her Majesty's High Court of Justice to quash all and singular orders made by the keepers of the peace and Justices in and for the county of between *A.B.*, appellant, and [*the Churchwardens and Overseers of the Poor of the parish of and the Assessment Committee of Union*], respondents, touching [*a certain rate or assessment made for the relief of the poor of the said parish of on the day of 188*], and shall pay to the Prosecutors within one month next after the said orders shall be confirmed in the said Court such costs, if any, as the said Court may order, to be taxed according to the course of the said Court, then this recognisance to be void, or else to remain in full force.

Taken, &c.

* This form must be varied according to circumstances.

No. 20.

RECOGNISANCE ON SPECIAL CASE ON ORDER OF SESSIONS IN CRIMINAL CASES.

Be it remembered, that on the day of , 188 , *A.B.*, of , and *C.D.*, of , and *E.F.*, of , come before me, , one of Her Majesty's Justices of the peace in and for the county of , and acknowledge to owe to our Sovereign Lady the Queen the sum of fifty pounds of lawful money of Great Britain to be levied upon their goods and chattels, lands and tenements, to Her Majesty's use, upon condition that if he,

the said *A.B.*, shall prosecute with effect, without any wilful or affected delay, at his own proper costs and charges, certain proceedings in the Queen's Bench Division of Her Majesty's High Court of Justice to quash all and singular orders made by the keepers of the peace and Justices in and for the county of _____ upon the appeal of the said *A.B.* against a certain conviction against him for [*shortly describe offence*], and shall pay to the Prosecutor, within one month next after the said orders shall be confirmed in the said Court, all his full costs and charges, to be taxed according to the course of the said Court, then this recognisance to be void, or else remain in full force.

Taken, &c.

No. 21.

RETURN TO WRIT OF CERTIORARI.

Indorse the writ thus :—

The execution of this writ appears by the schedules* hereunto annexed. The answer of *A.B.*, Esquire, one of the keepers of the peace and Justices within mentioned.

To be signed and sealed by one of the Justices. (L.S.)

* The Schedules consist of the Indictment Orders and other documents to be returned.

No. 22.

MEMORANDUM PURSUANT TO RULE 37 THAT
RECOGNISANCE NOT REQUIRED.

The Court having ordered that the within-mentioned order be quashed when returned, no recognisance is required by the Crown Office Rules, 1886.

(Signed) [by the Queen's Coroner
and Attorney or other
proper officer.]

No. 23.

ATTORNEY-GENERAL'S FIAT FOR APPLICATION
FOR CERTIORARI.

Let application be made to the Queen's Bench Division of Her Majesty's High Court of Justice [*or to a Judge in Chambers*] for a Writ of Certiorari, to be directed to _____ to remove into the said division,* all and singular indictments of whatsoever

* If for conviction or Order of Justices, or Order of Sessions, as in No. 16.

misdeemeanours [*or felonies*] whereof *A.B.* is [*or may be*] before them indicted.

Dated, &c.

(Signed)
R. WEBSTER
(Attorney-General).

NOTE.—*The writ must be indorsed at the instance of Her Majesty's Attorney-General.*

No. 24.

ENTRY OF APPEARANCE TO INDICTMENT, &c.

In the High Court of Justice,
Queen's Bench Division.
[*Middlesex.*] The Queen
against
A.B.

Enter appearance for the above-named Defendant, *A.B.*, to this indictment [*or information*].

Dated, &c.

(Signed)

C.D., of *X.*, agent for
E.F., of *Y.*, solicitor
for above-named De-
fendant.

No. 25.

NOTICE OF MOTION TO DISCHARGE PRISONER
OUT OF CUSTODY WHEN PROSECUTOR HAS
NOT PROCEEDED WITHIN A MONTH AFTER
DEFENDANT'S APPREHENSION.

In the High Court of Justice,
Queen's Bench Division.
[*Middlesex.*] The Queen
against
A.B.

Take notice that application will be made to this Court [*or to a Judge in Chambers*], at the expiration of eight days after service of this notice, or as soon after as counsel can be heard, that the above-named Defendant be discharged out of custody upon his entering an appearance to the indictment in this prosecution, on the ground that the Prosecutor has not proceeded as required by Rule 44 of the Crown Office Rules of 1886.

Dated, &c.

(Signed)

C.D., of *L.*, agent for
X.Y., of *S.*, solicitor
for above-named De-
fendant.

To *W.G.*, the Prosecutor, or
the solicitor
for the Prosecutor.

No. 26.

NOTICE OF MOTION FOR DISCHARGE OF PRISONER OUT OF CUSTODY AFTER CONVICTION WHEN PROSECUTOR HAS NOT PROCEEDED TO BRING HIM UP FOR SENTENCE.

[*Heading as in No. 25.*]

Take notice that this Court will be moved, at the expiration of eight days after service of this notice, or so soon after as counsel can be heard, that the above-named defendant be discharged out of custody upon giving his own recognisance, the Prosecutor not having brought up the said Defendant for sentence as required by Rule 45 of the Crown Office Rules, 1886.

Dated, &c.

No. 27.

RECOGNISANCE TO PROSECUTE INFORMATION (CRIMINAL).

Be it remembered, that on the _____ day of _____ 188____, before Frederick Cockburn, Esquire, Queen's Coroner and Attorney, in the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, cometh *A.B.* [*the Prosecutor*] of, &c., and acknowledges to owe to *C.D.* [*the Defendant*] the sum of fifty pounds upon condition to prosecute with effect a certain information exhibited against the said *C.D.* by the said Coroner and Attorney, before the Queen herself, in the said Court, for certain misdemeanours, and abide by and observe all such orders and things as the said Court shall direct in that behalf.

Taken, &c.

(Signed)

F. COCKBURN

(Queen's Coroner and Attorney).

No. 28.

RECOGNISANCE TO PROSECUTE INFORMATION QUO WARRANTO.

[*Similar to No. 27, except that the information must be described as*] a certain information in the nature of a Quo Warranto exhibited against the said *C.D.* by the said Frederick Cockburn, on the relation of the said *A.B.*, in the said Court, to shew by what authority he claims to exercise the office of a [*member of the Local Board for the district of _____, in the county of _____, or as the case may be*] whereof he is impeached, and to abide by and observe all such orders and things as the said Court shall direct in that behalf.

Taken, &c.

No. 29.

NOTICE TO A JUSTICE OF THE PEACE OF INTENTION TO APPLY FOR A CRIMINAL INFORMATION.

To *A.B.*, Esquire, one of Her Majesty's Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within the county of _____.

Take notice, that the Queen's Bench Division of Her Majesty's High Court of Justice will be moved on the _____ day of _____, or so soon after as counsel can

be heard on behalf of *C.D.*, for an order to shew cause why an information should not be exhibited against you for certain misdemeanours, in unlawfully, maliciously, and corruptly, and contrary to your duty as such Justice of the peace [*here set out the nature of the offence*].

Dated, &c.

(Signed)

H.I.,

Solicitor for the said *C.D.*

Notice to several Justices.

Commence, as above, and continue why one or more information or informations should not be exhibited against you, or some or one of you, &c., as above.

No. 30.

INFORMATION (CRIMINAL).

Middlesex, to wit.

Be it remembered, that Frederick Cockburn, Esquire, Coroner and Attorney of our present Sovereign Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes in his own proper person, comes here into Court, before the Queen herself, at the Royal Courts of Justice, London, on [*the day the order was made absolute*]. And for our said Lady the Queen gives the Court here to understand and be informed, that [*state offence, and then proceed in the same manner as if it were an indictment*].

Second Count.—And the said Coroner and Attorney of our said Lady the Queen, for our said Lady the Queen, further gives the Court here to understand and be informed that, &c.

(*To conclude.*)

Whereupon the said Coroner and Attorney for our said Lady the Queen prays the consideration of the Court here in the premises, and that due process of law may be awarded against him, the said *B.G.*, in this behalf to make him answer to our said Lady the Queen

touching and concerning the premises aforesaid.

(Signed)
F. COCKBURN,
(Queen's Coroner and Attorney).

No. 31.

INFORMATION EX OFFICIO.

*Information by the Attorney-General or
Solicitor-General, ex officio.*

In the same form, using the name of the Attorney-General [or Solicitor-General] instead of the Queen's Coroner and Attorney, thus—Sir Richard Webster, Knight, Attorney-General [or Sir John Gorst, Knight, Solicitor-General] of our present Sovereign Lady the Queen, who for our said Lady the Queen in this behalf prosecutes, whereupon, &c., the said Attorney-General, &c., as in the prayer.

No. 32.

INFORMATION QUO WARRANTO AGAINST A
MEMBER OF A SCHOOL BOARD.

Cheshire, to wit.

Be it remembered, that Frederick Cockburn, Esquire, Coroner and Attorney of our present Sovereign Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice before the Queen herself, who for our said Lady the Queen in this behalf prosecutes, in his own proper person comes here into Court before the Queen herself at the Royal Courts of Justice, London, on the day of , in the year of our Lord one thousand eight hundred and eighty-six,* and for our Lady the Queen at the relation of A.B. of , according to the form of the Statute in such case made and provided, gives the Court here to understand and be informed that [the parish of , in the county of , is a school district within the meaning of the Elementary Education Acts, 1870 and 1873. And that within the said parish and school district of , pursuant to the provisions of the said Acts, divers, to wit nine members [or as the case may be] are to be elected for and as the school board for the said parish and school district, in manner by the said Acts provided, and in accordance with the rules, orders, and regulations of the Lords of the Committee of the Privy Council on Education in that behalf dated (the third day of October, one thousand eight hundred and seventy-three),] and that the place and office of [member of the school board of the said parish and school

district] is a public office and place of great trust and pre-eminence within the said [parish and school district], touching the rule and government of the said [school district], that is to say, at the [parish] of aforesaid, in the county aforesaid. And that C.D., of , in the said county [merchant, or as the case may be], heretofore, to wit on the day of in the year of our Lord one thousand eight hundred and eighty-six, at the [parish] aforesaid in the county aforesaid, did use and exercise and from thence continually afterwards to the time of exhibiting this information has there used and exercised, and still does there use and exercise, without any legal warrant, authority, or right whatsoever, the office of [member of the school board of the said parish and school district of], in the county aforesaid, and for and during all the time last above-mentioned has there claimed and still does claim to be a [member of the said school board of the said parish and school district], and to have, use, and exercise all the privileges and perform all the duties belonging and appertaining to the said office of [member of the said school board], which said offices, privileges, and duties he, the said C.D., for and during all the time last above-mentioned, upon our said Lady the Queen without any legal warrant, authority, or right whatsoever has usurped and still does usurp, that is to say, at the [parish] of , in the county aforesaid, in contempt of our said Lady the Queen to the great damage and prejudice of her royal prerogative and against her Crown and dignity. Whereupon the said Coroner and Attorney of our said Lady the Queen for our said Lady the Queen prays the consideration of the Court here in the premises. And that due course of law may be awarded against him, the said C.D., in this behalf to make him answer to our said Lady the Queen, and shew by what authority he claims to have, use, and enjoy, and perform the office, liberties, privileges, and duties aforesaid.

(Signed)
F. COCKBURN.
(Queen's Coroner and Attorney).

No. 33.

INFORMATION QUO WARRANTO AGAINST MUNI-
CIPAL CORPORATE OFFICERS.

Borough of , to wit.

Be it remembered, that &c. [proceed as in
No. 32.]

That the borough [or city] of is
a borough subject to the provisions of the

* Date of Order absolute.

Municipal Corporations Act, 1882 [*if subject to the provisions of any other Act it should be stated*], and that within the said borough [*or city*] pursuant to the provisions of the said Act there of right ought to be one mayor, [*six*] aldermen and [*eighteen*] councillors, to be elected in the manner in the said Act specified; and that the place and office of [mayor] [alderman] [*or a councillor*] of the said borough is a public office, and a place and office of great trust and pre-eminence within the said borough, touching the rule and government of the said borough [*and the administration of public justice within the same*], that is to say, at the borough of

, in the said county. And that C.D., of the borough aforesaid, in the county aforesaid [merchant], heretofore, to wit, on the day of , in the year of our Lord one thousand eight hundred and eighty-six, at the borough of aforesaid, in the county aforesaid, did use and exercise and from thence continually afterwards to the time of exhibiting this information has there used and exercised, and still does there use and exercise, without any legal warrant, royal grant, or right whatsoever, the office of of the said borough, and for and during all the time last above-mentioned had there claimed, and still does there claim, without any legal warrant, royal grant, or right whatsoever, to be of the said borough, and to have, use, and enjoy all the liberties, privileges, and franchises, to the office of of the said borough, belonging and appertaining, which said office, liberties, privileges, and franchises, he the said C.D. for and during all the time last above-mentioned upon our said Lady the Queen, without any legal warrant, royal grant, or right whatsoever, has usurped and still does usurp—that is to say, at the borough of aforesaid, in the county aforesaid, in contempt of oursaid Lady the Queen, to the great damage and prejudice of Her royal prerogative and also against her Crown and dignity. Whereupon the said coroner and attorney of our said Lady the Queen, for our said Lady the Queen, prays the consideration of the Court here in the premises. And that due process of law may be awarded against him the said C.D., in this behalf to make him answer to our said Lady the Queen, and shew by what authority he claims to have, use, and enjoy, the office, liberties, privileges, and franchises aforesaid.

(Signed)

F. COCKBURN

(Queen's Coroner and Attorney).

No. 34.

NOTICE OF MOTION FOR AN INFORMATION QUO WARRANTO FOR CORPORATE OFFICE WITHIN 45 & 46 VICT. c. 50. s. 225.

In the High Court of Justice,
Queen's Bench Division.

Take notice, that the Queen's Bench Division of Her Majesty's High Court of Justice will be moved on the day of 188 , or so soon after as counsel can be heard, on behalf of A.B., of , merchant [*or as the case may be*], that an information in the nature of a Quo Warranto be exhibited against you, C.D., to shew by what authority you claim to exercise the office or franchise of a of , on the ground:—That [*here shortly state the grounds of the application*].

And further take notice, that in support of this application will be read the affidavits of E.E. and another and G.G., sworn respectively the day of May, 188 , and the exhibits therein referred to, copies of which are served herewith.

Dated, &c.

(Signed)

X.Y., of Z., agent for M.N., of S.,
solicitor for the above-named A.B.

To C.D.,
of T.

No. 35.

DISCLAIMER UPON AN INFORMATION QUO WARRANTO.

In the High Court of Justice,
Queen's Bench Division.

[*Lincolnshire*.]—The Queen on the relation of A.B. against C.D.

And now—that is to say, on the day of 188 , comes the above-named C.D. by his solicitor [*or in his own proper person*], and says that he altogether disclaims and disavows the office, liberties, privileges, and franchises in the said information above specified, and cannot deny but that he has usurped upon our said Lady the Queen, without any legal warrant, royal grant or right whatsoever, the said office, liberties, privileges, and franchises in the said information above mentioned, and confesses and acknowledges the said usurpation, in manner and form as in the said information is above alleged.

(Signed)

C.D.

[*or by his Counsel*].

No. 36.

JUDGMENT OF OUSTER ON DISCLAIMER TO QUO WARRANTO.

[Heading as in No. 35.]

The day of 188 .
 The Defendant having, on the day of 188 entered a disclaimer upon this information, It is this day adjudged that he, the said C.D., do not in any manner intermeddle, &c. [proceed as in form for judgment on Quo Warranto form 123.]

No. 37.

WRIT OF MANDAMUS.

VICTORIA, by the Grace of God, &c.

to
 of , greeting.

Whereas by [here recite Act of Parliament, or Charter, if the act required to be done is founded on either one or the other]. And whereas We have been given to understand and are informed in the Queen's Bench Division of Our High Court of Justice before Us that [insert necessary inducement and averments]. And you the said were then and there required by [insert demand], but that you the said well knowing the premises, but not regarding your duty in that behalf then and there wholly neglected and refused to [insert refusal], nor have you or any of you at any time since

in contempt of Us and to the great damage and grievance of as We have been informed from their complaint made to Us. Whereupon We, being willing that due and speedy justice should be done in the premises as it is reasonable, do command you the said and every of you firmly enjoining you that you [insert command] or that you shew Us cause to the contrary thereof, lest by your default the same complaint should be repeated to Us and how you shall have executed this Our writ make known to Us in Our said Court at the Royal Courts of Justice, London, forthwith then returning to Us this Our said writ, and this you are not to omit.

Witness, &c.

To be indorsed.

By Order of Court [or of Mr. Justice].
 At the instance of
 This writ was issued by, &c.

No. 38.

RETURN TO WRIT OF MANDAMUS.

The return may either be indorsed on the back of the original writ, or engrossed on a separate parchment schedule.

When indorsed on the back of the original writ.

The answer of [the parties to whom the writ is directed] to this writ. We, the, &c. [the Defendants], to whom this writ is directed, do most humbly certify and return to our Sovereign Lady the Queen at the time and place in this writ mentioned, that we have, &c. [when the return is an obedience to the writ, the words of the mandatory part of the writ should be recapitulated in the past instead of the future tense]. As by the said writ we are commanded

(To be signed by the parties making the return, or a sufficient number to form a quorum, unless they be a corporate body, in which case it is sufficient to attach the corporate seal.)

When the return is engrossed on a separate schedule.

Indorse the original writ [or the copy served] thus:

The return of to this writ [or if the return is obedience, say, the execution of this writ] appears in the schedule hereunto annexed.

The answer of

[To be signed or sealed as above.]

No. 39.

WRIT OF PROHIBITION.

VICTORIA, by the Grace of God, &c., to [the keepers of Our peace and Our Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within Our county of], greeting.

Whereas We have been given to understand that you the said [Justices have entered an appeal by A.B. against, &c.] And that the said has no jurisdiction to hear and determine the said by reason that [here state facts shewing want of jurisdiction].

We therefore hereby prohibit you from further proceeding in the said

Witness, &c.

This writ was issued by, &c.

No. 40.

CERTIFICATE OF DEFAULT TO APPEAR, &C.,
ACCORDING TO RECOGNISANCE.In the High Court of Justice,
Queen's Bench Division.(Devonshire.) The Queen
against
J.J.

I hereby certify that at the session of oyer and terminer and general gaol delivery [or at the general quarter sessions of the peace, or as the case may be] held at Exeter, in and for the county of Devon, on the day of 1886, a bill of indictment was found by the Grand Jury against *J.J.* for [here shortly describe the offence from indictment] which said indictment was afterwards, at the instance of the said *J.J.* removed into this Court, and filed in the Crown Office of the said High Court on the day of 1886, and that the said *J.J.* on the day of 1886, entered into a recognisance with two sureties forthwith to appear and plead to the said indictment, but the said *J.J.* having neglected so to do, the said recognisance was on the day of ordered to be executed into the Exchequer. And I further certify that the said *J.J.* has not yet appeared or pleaded to the said indictment, nor is he now under any recognisance so to do.

Dated, &c.

(Signed)

F. COCKBURN,

(Queen's Coroner and Attorney)

[or other proper officer of the Crown Office].

No. 41.

CERTIFICATE OF INDICTMENT FOUND OR INFORMATION FILED IN THE QUEEN'S BENCH DIVISION.

In the High Court of Justice,
Queen's Bench Division.(Middlesex.) The Queen
v.
J.J.

I hereby certify that *J.J.* stands charged by indictment found [or information filed] against him in this division on the day of 1886, with [here shortly state the offence], and that the said *J.J.* has not appeared or pleaded to the said indictment [or information], nor is he under any recognisance so to do.

Dated, &c.

(Signed)

F. COCKBURN,

(Queen's Coroner and Attorney)

[or other proper officer of the Crown Office].

No. 42.

CERTIFICATE OF INDICTMENT FOUND AT THE
ASSIZES OR QUARTER SESSIONS, &C., AND
REMOVED INTO THE QUEEN'S BENCH DIVISION.In the High Court of Justice,
Queen's Bench Division.
(Devonshire.) The Queen
against
J.J.

I hereby certify that at the session of Oyer and Terminer and General Gaol Delivery [or at the General Quarter Sessions of the Peace] held at Exeter in and for the county of Devon, on the day of 1886, a bill of indictment was found by the Grand Jury against *J.J.*, for that [here shortly describe offence as in indictment], which said indictment was afterwards, at the instance of [state at whose instance], removed into the Queen's Bench Division of Her Majesty's High Court of Justice, and filed in the said Court on the day of 1886, and that the said *J.J.* has not appeared or pleaded to the said indictment, nor is he under any recognisance so to do.

Dated, &c.

(Signed)

F. COCKBURN,

(Queen's Coroner and Attorney)

[or other proper officer of the Crown Office].

No. 43.

WARRANT OF ARREST.

In the High Court of Justice,
Queen's Bench Division.

England, to wit. Whereas it is certified to me by the proper officer in that behalf that [as in certificate, No. 40, 41, or 42].

These are, therefore, to command you forthwith to apprehend the said *A.B.*, and to bring him before me or some other Judge of the High Court, or before some one or more of the Justices of the peace in and for the said [county] of , to be dealt with according to law.

Dated, &c.

(Signed)

COLERIDGE

(Lord Chief Justice of England).

To Mr. [Lewis] Tipstaff of the Queen's Bench Division of the High Court of Justice, and to all constables and other peace officers whom it may concern.

No. 44.

WARRANT TO ADMIT TO BAIL ON INDICTMENT
FOUND IN QUEEN'S BENCH DIVISION.

In the High Court of Justice,
Queen's Bench Division.

England, to wit. Whereas it is certified to me by the proper officer in that behalf that *[as in certificate, No. 41]*.

These are, therefore, to command you forthwith to apprehend the said *A.B.*, and to bring him before me or some other Judge of the High Court of Justice in chambers at the Royal Courts of Justice, London, or before one or more Justice or Justices of the peace near to the place where he shall be taken, to the end that he may find sufficient sureties for his immediate appearance in this Court, and forthwith to plead to the said indictment, "*and to try the same at the then [or next] sittings of the said Court,*" and personally to appear in the said Court on the trial of the said indictment *[or information]*, and also upon the return of the postea, if he shall be convicted, and be further dealt with according to law.

Dated, &c.

(Signed)

COLERIDGE

(Lord Chief Justice of England).

NOTE.—*This Warrant may also be used in the case of an indictment removed into the Court by certiorari against any defendants, not parties to the removal and not under recognisance, to answer in this Court, by omitting the words "and to try the same at the then [or next] sittings of the said Court."*

No. 45.

WARRANT OF COMMITTAL.

In the High Court of Justice,
Queen's Bench Division.

Whereas by my warrant *[or the warrant of the Honourable Mr. Justice]*, dated the day of , 1886, after reciting that it had been certified to me *[or him]* that *[as in the certificate]*, I *[or he]* commanded , the tipstaff of this Court, and all constables and other peace officers whom it might concern, forthwith to apprehend the said *A.B.* and bring him before me *[or the said Judge]* or some other Judge of the High Court, or before some one or more Justices of the peace in and for the county of , to be dealt with according to law.

And whereas the said *A.B.* has been apprehended under and by virtue of the said warrant, and being now brought before me *[if before a Justice of the peace add one of*

Her Majesty's Justices of the peace in and for the county of], it is here-

upon duly proved to me upon oath, that the said *A.B.* is the same person who is named and charged in and by the said indictment: These are therefore to command you to whom this warrant is addressed, forthwith to take and lodge the said *A.B.* in the prison at *F.* in the county of , together with this warrant, there to be imprisoned by the gaoler of the said prison until he shall be discharged by due course of law.

Dated, &c.

(Signed)

COLERIDGE

(Lord Chief Justice of England)

[or, if by a Justice of the peace, to be signed and sealed by him].

To

No. 46.

NOTICE TO DEFENDANT TO APPEAR TO IN-
FORMATION IN PURSUANCE OF UNDERTAK-
ING IN ENLARGED ORDER.

(Copy the enlarged Order containing the undertaking to appear, and write the following notice at the foot.)

In the High Court of Justice,
Queen's Bench Division.
(Somersetshire.) The Queen
v.
B.R.

Take notice, that in pursuance of the above Order, an information has been filed in the Queen's Bench Division of Her Majesty's High Court of Justice against the above-named defendant for certain misdemeanours. And that he is hereby required to cause an appearance to be entered in the said Court thereto immediately in pursuance of his undertaking contained in the above Order. And in default thereof the said Court will be moved on the day of , or so soon after as counsel can be heard, that the prosecutor be at liberty to enter an appearance thereto for the said defendant, and to sign judgment against him *[or that an attachment may issue against him for his contempt in not performing his said undertaking]*.

Dated, &c.

(Signed)

M.N., of *L.*, agent for *G.H.*, of *Y.*,
solicitor for the prosecution.

To *B.R.*, the above-named defendant,
and to , his solicitor
or agent.

If it is intended to apply for an attachment, this notice must be served personally.

No. 47.

NOTICE OF BAIL TO AVOID ARREST.

[*Heading as in No. 46.*]

Take notice that the above-named defendant will appear before a Judge in chambers at the Royal Courts of Justice, London [or before a Justice of the peace in and for the county of _____ at _____], on the _____ day of _____, 188____, at the hour of _____ in the _____ noon, and will then enter into his own recognisance, and put in bail to appear in this Court on the _____ day of _____, 188____, to the indictment found against him in this prosecution for certain misdemeanours, and to plead thereto, *and try the same at the present [or next] [Trinity] sittings of the High Court [omit words in italics if indictment not found in this Court]*, and personally to appear at the trial of the said indictment [or information], and on the return of the postea, if it be necessary, and so from day to day, and not to depart without leave of the Court. And the names and descriptions of such bail are *A.B.* of, &c., _____ and *C.D.*, of, &c.

Dated, &c.

(Signed)

M.N., of *T.*, agent for *X.Y.*, of *S.*,
solicitor for the above-named defendant.

To *C.D.*, the prosecutor, or to
Mr. F., the solicitor or agent
for the prosecutor.

[*This notice is not required on obtaining a certiorari to review an indictment, or on certiorari for conviction or Orders, unless ordered by the Court or Judge on granting the certiorari.*]

No. 48.

RECOGNISANCE TO ANSWER INDICTMENT, OR INFORMATION.

Be it remembered, that on the _____ day of _____, 188____, *A.B.*, (*C.D.*), and *E.F.*, come before me, *G.H.*, Esquire, one of Her Majesty's Justices of the Peace for the county of _____, and acknowledge to owe our Sovereign Lady the Queen the several sums following (that is to say):—The said *A.B.* the sum of _____ pounds, the said *C.D.* and the said *E.F.* the sum of _____ pounds each, of lawful money of Great Britain, to be levied upon their several goods and chattels, lands and tenements, to Her Majesty's use, upon condition that if tho

said *A.B.* shall appear in the Queen's Bench Division of Her Majesty's High Court of Justice, at the Royal Courts of Justice, London, forthwith, and answer an indictment [or information] against him for certain [misdemeanours] according to the course of the said Court, *and try the same at the present [or next] sittings of the said Court [omit words in italics if indictment found elsewhere than in this Court]*, or so soon after as the case can be heard, and shall personally appear from day to day on the trial of the said indictment, and not depart until he shall be discharged by the Court before whom such trial shall be had, and shall appear from day to day on the return of the postea in the said Court, if it be necessary, and not depart until discharged by such last-mentioned Court, then this recognisance to be void or else to remain in full force.

Taken, &c.

No. 49.

NOTICE TO BE INDORSED ON COPY INDICTMENT, OR INFORMATION, TO BE SERVED ON A DEFENDANT IN PRISON FOR WANT OF BAIL TO ANSWER.

In the High Court of Justice,
Queen's Bench Division,
(*Devonshire*) The Queen
against
J.J.

Take notice, that unless you shall, within the space of eight days next after the delivery hereof, cause an appearance, and also a plea or demurrer to be entered in this Court to the within information [or indictment], an appearance, and a plea of Not Guilty will be entered thereto, in your name, pursuant to the rule in that case made and provided, and that the issue to be joined thereon will be tried at the next Assizes to be holden in and for the county of _____, [or at the present] [or next] [*Hilary*] sittings of the High Court of Justice.

Dated, &c.

(Signed)

M.N., of *L.*, agent for *X.Y.*,
of *S.*, solicitor for the prosecution.

To *J.J.*, the above-named
defendant.

No. 50.

AFFIDAVIT OF SERVICE OF COPY INFORMATION, OR INDICTMENT, WITH NOTICE INDORSED ON DEFENDANT IN GAOL.

(Heading as in No. 49.)

I, *A.B.*, of, &c., make oath and say,—

That I did on the day of 188 , deliver to the above-named Defendant, then a prisoner in Her Majesty's prison at , in and for the county of , at the said prison, a copy of the paper writing hereunto annexed marked with the letter [*annex a copy of the information and notice indorsed*], and of the indorsement thereon.

Sworn, &c.

No. 51.

WRIT OF SUBPENA, TO ANSWER ON INFORMATION.

VICTORIA, by the Grace of God, &c., to *A.B.*: We command you that, laying aside all pretences and excuses whatsoever, you be and appear in the Queen's Bench Division of Our High Court of Justice before Us at the Royal Courts of Justice, London, on the day of 188 , to answer to Us of and concerning such matters and things as shall then and there be objected against you on Our behalf, and, further, to do and receive all and singular such matters and things as Our said Court shall then and there consider of concerning you in this behalf. And this you are not to omit under the penalty of one hundred pounds, to be levied upon your goods and chattels, lands and tenements, if you shall make default in the premises.

Witness, &c.

Indorsement when on Criminal or Ex Officio Information.

Frederick Cockburn, Esquire, Queen's Coroner and Attorney, in the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself [*or, if ex officio*, Richard Webster, Knight, Attorney-General of our Lady the Queen], for our said Lady the Queen, prosecutes this writ against the within-named *A.B.*, upon an information exhibited against him by the said Frederick Cockburn [*or Sir Richard Webster*] in the said Court for certain misdemeanours whereof he is impeached.

When on Quo Warranto.

Frederick Cockburn, Esquire, Queen's Coroner and Attorney, &c., prosecutes this

writ against the within-named *A.B.* upon an information in the nature of a quo warranto, on the relation of *C.D.* exhibited against the said *A.B.* by the said Frederick Cockburn in the said Court to shew by what authority he claims to be [*a member of the local board for the district of or as the case may be*], whereof he is impeached.

This writ was issued by, &c.

No. 52.

WRIT OF VENIRE FACIAS, TO ANSWER.

VICTORIA, by the Grace of God, &c., to the Sheriff of Lancashire, greeting: We command you that you cause to come before Us, in the Queen's Bench Division of Our High Court of Justice, at the Royal Courts of Justice, London, on the day of 188 , *A.B.* to answer to Us for certain misdemeanours whereof he is indicted, and have you then there this writ.

Witness, &c.

This writ was issued by, &c.

No. 53.

AFFIDAVIT OF SERVICE OF SUBPENA TO ANSWER TO AN INFORMATION.

In the High Court of Justice, Queen's Bench Division.
(*Middlesex.*)—The Queen
against
A.B.

I, *C.D.*, of, &c., make oath and say:

That I did on the day of 188 , serve *A.B.*, the above-named Defendant, with the writ of Subpoena to answer in this prosecution hereunto annexed, and of the indorsement thereon, by delivering a true copy of the said writ and indorsement thereon to, and leaving the same with [a servant of the said] *A.B.*, at the house or residence [*or office*] of the said *A.B.*, situate at , in the county of . And at the same time shewing to the said [*servant of the said*] *A.B.* the said original writ of Subpoena; and which said writ appeared to this Deponent to be duly and regularly issued out of and under the seal of this honourable Court.

Sworn, &c.

(Signed) *C.D.*

Filed on behalf of the Prosecutor [*or Relator*].

*In cases against the Printers and Publishers
of Newspapers.*

Say [as above], by delivering a true copy of the said writ of Subpoena and indorsement thereon, to, and leaving the same with, a clerk or servant of the said Defendants, at the office of the said Defendants, called or known as the office of the news-
paper, situate at , in the county of . And at the same time, &c.
[as above].

No. 54.

WRIT OF ATTACHMENT TO ANSWER AN INFORMATION.

VICTORIA, by the Grace of God, &c., to the Sheriff of , greeting: We command you that you attach A.B., if he shall be found in your bailiwick, and him safely keep, so that you may have his body before Us in the Queen's Bench Division of Our High Court of Justice, at the Royal Courts of Justice, London, on the day of 188 , to answer to Us for certain misdemeanours whereof he is impeached, and that you have then there this writ.

Witness, &c.

No. 55.

WRIT OF ATTACHMENT TO ANSWER INFORMATION QUO WARRANTO.

[Same as No. 54.]

[Except that instead of the words "to answer to Us for certain misdemeanours, &c." say:—] to answer to Us upon an information in the nature of a Quo Warranto exhibited against him by Frederick Cockburn, Esquire, Our Coroner and Attorney in the Queen's Bench Division of Our High Court of Justice, to shew by what authority he claims to be, &c.

This writ was issued by, &c.

No. 56.

WRIT OF DISTRINGAS, TO ANSWER.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting: We command you that you distrain A.B. by all his lands and chattels in your bailiwick, so that neither he nor any one for him do put his hands to the same, until you shall have another command from Us for that purpose. And that you answer to Us for the issues thereof, so that you may have him before Us

in the Queen's Bench Division of Our High Court of Justice at the Royal Courts of Justice, London, on the day of 188 , to answer to Us for certain whereof he is indicted [or impeached], and to hear his judgment for his many defaults, and have you then there this writ.

Witness, &c.

No. 57.

WRIT OF CAPIAS TO ANSWER TO INDICTMENT, OR INFORMATION.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting: We command you that you take A.B., if he shall be found in your bailiwick, and him safely keep, so that you may have his body before Us in the Queen's Bench Division of Our High Court of Justice at the Royal Courts of Justice, London, on the day of 188 , to answer to Us for certain misdemeanours [or felonies] whereof he is indicted [or impeached]. And have you then there this writ.

Witness, &c.

[For writ of capias ad satisfaciendum after judgment, see No. 144.]

No. 58.

WRIT OF CAPIAS CUM PROCLAMATIONE.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting: Whereas by our Writ of Exigent, having the same day of teste and return as this Our Writ of Proclamation, We have commanded you that you cause to be exacted [or, if in London, demanded] A.B., from County Court to County Court [or, if in London, from hustings to hustings] until he shall be outlawed, according to the law and custom of England, if he shall not appear. And if he shall appear, that then you take him, and him safely keep, so that you may have his body before Us in the Queen's Bench Division of Our High Court of Justice at the Royal Courts of Justice, London, on the day of 188 , to answer to Us for certain whereof he is indicted (as in the Exigent). We therefore command you that you cause three proclamations to be made according to the rule in that case made and provided, in the form following, that is to say, one of the same proclamations in the open County Court of and in your county, and one other of the same proclamations to be made at the General Quarter Sessions of

the Peace in those parts where the said *A.B.*, at the time of the said exigent awarded, was dwelling, and one other of the same proclamations to be made one month at least before the fifth time exacted by virtue of the said Writ of Exigent, at or near to the most usual door of the church or chapel of that town or parish where the said *A.B.* was dwelling at the time of the said exigent so awarded. And if the said *A.B.* was dwelling out of any parish, then in such place as aforesaid of the parish in your county next adjoining to the place of the dwelling of the said *A.B.*, and upon a Sunday immediately after divine service and sermon, if any sermon there be. And if no sermon there be, then forthwith immediately after divine service, that he, the said *A.B.*, render himself unto you before or at the time when he shall be the fifth time exacted by virtue of the said Writ of Exigent. So that you may have his body before Us in the said Queen's Bench Division on the day of 188 , to answer to Us for the aforesaid, whereof he is indicted. And have you then there this writ.

Witness, &c.

[To have the same teste and return as the Exigent No. 59.]

No. 59.

WRIT OF EXIGENT BEFORE CONVICTION.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting : We command you that you cause to be exacted *A.B.*, from County Court to County Court, until he shall be outlawed, according to the law and custom of England, if he shall not appear. And if he shall appear, that then you take him, and him safely keep, so that you may have his body before Us in the Queen's Bench Division of Our High Court of Justice, at the Royal Courts of Justice, London, on the day of 188 , to answer to Us for certain whereof he is indicted, and whereupon you have before returned unto Us that the said *A.B.* was not found in your bailiwick. And have you then there this writ. Witness, &c.

If in London.—Instead of "exacted," say "demanded," and instead of "from County Court to County Court," say "from hustings to hustings."

If against a woman.—Say "waived" instead of "outlawed."

If against a man and woman.—Say "outlawed and waived."

No. 60.

WRIT OF CAPIAS CUM PROCLAMATIONE INTO A FOREIGN COUNTY.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting : We command you that you take *A.B.*, if he shall be found in your bailiwick, and him safely keep, so that you may have his body before Us in the Queen's Bench Division of Our High Court of Justice at the Royal Courts of Justice, London, on [three or four months between teste and return, as the case may be], the day of next, to answer to Us for certain [misdemeanours] whereof he is indicted ; and if you cannot find the said *A.B.* in your bailiwick, that then you make public proclamation in two County Courts of your county before the return of this writ, that he be before Us at the aforesaid day to answer to Us concerning the premises according to the rule in that case made and provided, and have you then there this writ.

Witness, &c.

This writ was issued by, &c.

No. 61.

WRIT OF EXIGENT WITH ALLOCATUR.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting : We command you that allowing the County Courts at which was exacted and did not appear as you returned to Us on the day of last, you cause him to be further exacted at your next County Court, and so from County Court to County Court, until he shall be outlawed, according to the law and custom of England if he shall not appear. And if he shall appear, that then you take him and him safely keep, so that you may have his body before Us in the Queen's Bench Division of Our High Court of Justice at the Royal Courts of Justice, London, on the day of 188 , to satisfy Us concerning his redemption by reason of certain whereof he is indicted, and thereupon by his own confession [or by a jury of the country], he stands convicted as in Our Court before Us it appears upon record [or to answer to us for certain whereof he is indicted]. And whereupon you have before returned unto Us that the said was not found in your bailiwick, and have you then there this writ.

Witness, &c.

In London.—Say "hustings" instead of

“County Court,” and “demanded” instead of “exacted.”

[To be tested on the day of the return of the previous writ, and made returnable on the first or last day of the following sittings.

Alias writs of Allocatur Exigent to issue if necessary, to make up the quinto exact, i.e., until the Defendant has been exacted at five County Courts.]

No. 62.

WRIT OF CAPIAS UTLAGATUM.

VICTORIA, by the Grace of God, &c., to the sheriff of _____, greeting: We command you that you take *A.B.*, if he shall be found in your bailiwick, and him safely keep, so that you may have his body before Us, in the Queen's Bench Division of Our High Court of Justice, at the Royal Courts of Justice, London, on the _____ day of _____ 188____, to stand right in Our Court, before Us, upon a certain outlawry against him, at Our suit, for certain whereof he is indicted, &c., and thereupon he is declared outlawed in your county, and have you then there this writ.

Witness, &c.

No. 63.

WRIT OF CAPIAS UTLAGATUM, SPECIAL, CUM BREVE DE INQUIRENDU.

[Same as No. 62.]

[And after the words “declared outlawed in your county,” add:—]

We also command you that you diligently enquire by the oath of good and lawful men of your bailiwick, what goods and chattels, lands and tenements, the said *A.B.* had on the said _____ day of _____ 188____, [the date of *Capias Utlagatum*] in your said bailiwick; and those goods and chattels, lands and tenements, into whose hands soever they may have come, in your bailiwick, you cause to be taken, seized into Our hands, and appraised according to the full value thereof, to Our use, so that you may certify, at the aforesaid time, the true value of the same goods and chattels, lands and tenements, under their seals, or the seal of some of them, by whose oath the inquisition aforesaid shall be taken, then returning to Us this Our writ.

Witness, &c.

No. 64.

WRIT OF MELIUS INQUIRENDUM.

VICTORIA, by the Grace of God, &c., to the sheriff of _____, greeting:

We command you that you again and more diligently enquire, &c. [continue as in Form 63].

No. 65.

WRIT OF EXIGENT AFTER JUDGMENT.

[Same as No. 59.]

[Except instead of “to answer” say:—]

To satisfy Us concerning his redemption by reason of certain _____ whereof he is indicted, and thereupon by a jury of the country [or by his own confession or default], he stands convicted. As in Our Court before Us it appears upon record. And whereupon, &c. [as in No. 59].

No. 66.

WRIT OF ERROR TO REVERSE OUTLAWRY.

VICTORIA, by the Grace of God, &c.:

To Our right trusty and well-beloved John Duke, Baron Coleridge, Our Chief Justice of England, President of the Queen's Bench Division of Our High Court of Justice, and Our other Justices of Our High Court attached to the said Queen's Bench Division of Our said High Court, greeting: Forasmuch as in the record and process, as also in the publication of an outlawry against *J. W.* on a certain indictment [or information] against the said *J. W.* for [here shortly state nature of offence], whereof the said *J. W.* is indicted [or impeached], and thereupon by a jury of the country is convicted, as it is said, manifest error hath intervened, to the great damage of the said *J. W.*, as by his complaint We are informed. We being willing that the said error (if any there be) be duly amended, and full and speedy justice done to the said *J. W.* in this behalf, do command you, that if the said outlawry be returned before Us, as has been said: then inspecting the said record and process, you cause further to be done therein for annulling the said outlawry as of right and according to the law and custom of England shall be meet to be done. Witness Ourself at Westminster, the _____ day of _____ in the forty-eighth year of Our reign.

(Signed)

ESHER

(Master of the Rolls.)

For indorsement, see No. 125.

No. 67.

ASSIGNMENT OF ERROR UPON JUDGMENT IN
OUTLAWRY.

In the High Court of Justice,
Queen's Bench Division.

Middlesex.—*J. W.*, Plaintiff in error.
against

The Queen, Defendant in error.

And hereupon the said *J. W.* [or by *A. B.* his solicitor] comes in his proper person, and says, that in the record and process, and also in the publication of the aforesaid outlawry, there is manifest error in this that there is no sufficient information [or indictment] exhibited [or filed] against the said *J. W.* whereon to ground the process of the outlawry aforesaid. By reason whereof, the said outlawry is void, and of no effect or force whatever.

There is also error in this [*here set out any other errors there may be*]. Therefore in that there is manifest error.

Wherefore the said *J. W.* prays that the outlawry aforesaid for the errors aforesaid, and other errors appearing in the record and process aforesaid, may be reversed and held for nothing; and that he may be restored to the common law, and to all which he has lost by occasion of the outlawry aforesaid.

Dated, &c.

(Signed)

No. 68.

JOINDER IN ERROR UPON JUDGMENT IN
OUTLAWRY.

[*Heading as in No. 67.*]

And Sir R. W., Knight, now Attorney-General of our present Sovereign Lady the Queen [or Frederick Cockburn, Esq., Coroner and Attorney of our Lady the Queen] present here in Court in his proper person, having heard the matters aforesaid above assigned for error for our said Lady the Queen, says that neither in the record and process aforesaid, nor in the publication of the aforesaid outlawry, is there any error; and he prays that the Queen's Bench Division of Her Majesty's High Court of Justice, now here may proceed to the examination as well of the record and process aforesaid as of the matters aforesaid above assigned for error, and that the outlawry aforesaid may in all things be affirmed.

BAIL.

No. 69.

WRIT OF HABEAS CORPUS TO BRING UP
PRISONER TO BE BAILED.

VICTORIA, by the Grace of God, &c., to
, greeting:

We command you that you have in the Queen's Bench Division of Our High Court of Justice [or before a Judge in Chambers], at the Royal Courts of Justice, London, immediately after the receipt of this Our writ, the body of *A. B.* being taken and detained under your custody as is said, together with the day and cause of his being taken and detained, by whatsoever name he may be called, to undergo and receive all and singular such matters and things as Our said Court [or Judge] shall then and there consider of concerning him in this behalf; and have you there then this Our writ.

Witness, &c.

To be indorsed.

By order of Court [or of Mr. Justice].
This writ was issued by, &c.

No. 70.

SUMMONS TO ADMIT TO BAIL ON A CRIMINAL
CHARGE.

In the High Court of Justice,
Queen's Bench Division.

The Honourable Mr. Justice in
Chambers.

[*If indictment or information found in this
Court insert title.*]

Upon reading the affidavit of , &c.,
filed the day of 188 , and
upon hearing counsel, or the solicitor for
A. B.

It is ordered that all parties concerned
attend the Judge in chambers on the
day 188 , at the hour of
in the noon, on the hearing of an
application on behalf of the said *A. B.* to be
admitted to bail.

Dated, &c.

Notice.—*To be served upon the committing
magistrates or coroner and prosecutor, or in
case of murder or manslaughter on the widow
or next-of-kin of the deceased, or as the Judge
may direct.*

No. 71.

ORDER TO ADMIT PRISONER TO BAIL.

In the High Court of Justice,
Queen's Bench Division.

The Honourable Mr. Justice _____ in
Chambers.

[If indictment or information in this Court
insert title.]

Upon reading the affidavit of _____
filed the _____ day of _____ 188_____,
and upon hearing counsel [or the solicitor]
for _____

It is ordered that upon *A. B.* giving security by his own recognisance in the sum of _____ with [two] sufficient sureties in the sum of _____ each before one of Her Majesty's Justices of the peace in and for the county of _____ [or before a Judge in Chambers] for the personal appearance of the said *A. B.* at the next assizes and general session of oyer and terminer [and general gaol delivery] [or the next general quarter sessions of the peace] to be holden in and for the said county of _____ then and there to answer to all such matters and things as, on Her Majesty's behalf, shall be objected against him, he the said *A. B.* be discharged out of the custody of the Governor of Her Majesty's prison at _____ in the said county as to his commitment for [here shortly state the offence as in commitment].

Dated, &c.

(Twenty-four hours' notice of the names and descriptions of the proposed sureties must be given to the prosecutor unless the Judge order otherwise.)

No. 72.

AFFIDAVIT OF SERVICE OF SUMMONS, TO ADMIT TO BAIL, ON THE COMMITTING MAGISTRATES, AND NEXT-OF-KIN OF DECEASED, OR THE PROSECUTOR.

In the High Court of Justice,
Queen's Bench Division.

[If indictment or information in this Court
insert name of cause, not otherwise.]

I, *A. B.*, of, &c., clerk to *C. D.* of _____, solicitor for [insert name of prisoner], make oath and say—

1. That I did on the _____ day of _____ 188_____, serve *I. J.*, Esquire, one of the committing Justices mentioned in the summons hereunto annexed with the said summons, by delivering a true copy of the said summons to a servant of the said *I. J.*, at the house of the said *I. J.*, situate at _____ in the said county.

2. That I did on the _____ day of _____ 188_____, also serve *K. L.*, Esquire, the other committing Justice also mentioned in the said summons, by delivering a true copy of the said summons to a servant of the said *K. L.* at the house of the said *K. L.*, situate at _____ in the said county of _____.

3. That I did on the _____ day of _____ 188_____, also serve *E. F.*, gentleman, one of the coroners of and for the county of _____, also named in the said summons, with the said summons, by delivering a true copy of the said summons to a clerk [or servant] of the said *E. F.*, at the office [or house] of the said *E. F.*, situate at _____ in the said county.

4. That I did on the _____ day of _____ 188_____, also serve *G. H.* [the widow or the next-of-kin of _____ deceased, or the prosecutor] mentioned in the said summons with the said summons by delivering a true copy of the said summons to the said [the widow or next-of-kin or prosecutor] at _____ in the county of _____.

Sworn, &c.

No. 73.

NOTICE OF BAIL, UPON ORDER OF JUDGE, WITHOUT HABEAS CORPUS.

Whereas the Honourable Mr. Justice _____ has made an order bearing date the _____ day of _____ 188_____, that [recite the order, see No. 71].

Now take notice that in pursuance of the said order the said _____ and [four] sufficient sureties will enter into such recognisance as aforesaid before [as in the order] at _____ on the _____ day of _____ at the hour of _____ in the _____ noon. And that the names and descriptions of such sureties are _____.

Dated, &c.

(Signed) *M. N.*, of *L.*, agent
for *G. H.*, of *Y.*, solicitor for the said _____.

To the Prosecutor [or widow or next-of-kin] and to the committing magistrates [or coroner].

No. 74.

NOTICE OF BAIL UPON HABEAS CORPUS.

Whereas the Honourable Mr. Justice _____ has granted a writ of Habeas Corpus, directed to the gaoler of Her Majesty's prison at _____ of and for the _____, commanding him to have the

body of before the Queen's Bench Division of Her Majesty's High Court of Justice [or before a Judge at Chambers] immediately to undergo, &c. [as in Form 69].

Now take notice, that by virtue of the said writ, the said will be brought before Her Majesty's said Court [or before a Judge at Chambers at the hour of in the noon] on the day of 188, in order that he, the said, may be admitted to bail personally to appear at the next session of oyer and terminer and gaol delivery to be holden in and for the county of [or otherwise as the case may be], then and there to answer to all such matters and things as on Her Majesty's behalf shall be then and there objected against him, and so from day to day, and not depart that Court without leave. And, further, take notice that the names and descriptions of the several persons who will offer themselves as bail or sureties for the said are A. B., of , C.D., of , E.F., of , and G.H., of .
Dated, &c.

No. 75.

RECOGNISANCE TO APPEAR AT ASSIZES, OR SESSIONS OF THE PEACE.

Be it remembered, that on the day of 188, [insert the names and descriptions of Defendant and bail], come before me, , one of Her Majesty's Justices of the Peace in and for the county of , and acknowledge to owe Our Sovereign Lady the Queen the several sums following (that is to say) :—The said the sum of pounds, and the said and the sum of pounds each, of lawful money of Great Britain, to be levied upon their several goods and chattels, lands, and tenements, to Her Majesty's use, upon condition that if the said shall personally appear at the next assizes and session of oyer and terminer and general gaol delivery [or at the next general quarter sessions of the peace], to be holden in and for the county of , and then and there answer to all such matters and things as on Her Majesty's behalf shall then and there be objected against him, and so from day to day, and not depart that Court without leave, then this recognisance to be void, or else to remain in full force.

Taken, &c.

No. 76.

WRIT OF CERTIORARI TO JUSTICES FOR DEPOSITIONS.

VICTORIA, by the Grace of God, &c., to A. B. and C. D., Esquires, two of the keepers of Our peace and justice assigned to hear and determine divers crimes, trespasses, and other offences committed within Our county [or borough, or as the case may be], greeting : We, being willing, for certain reasons, that all and singular informations, examinations, and depositions taken or made before you, touching the commitment of E. F. to Our prison at , in and for the county [or as the case may be] of charged with felony [or misdemeanour] be sent by you before a Judge at Chambers, Do command you [or one of you] that you [or one of you] do send forthwith under your seals [or the seal of one of you] before such Judge as may be at Chambers at the Royal Courts of Justice, all and singular the said informations, examinations, and depositions, with all things touching the same, as fully and perfectly as they have been taken or made by or before you, and now remain in your custody or power, together with this Our writ, that we may cause further to be done thereon what of right and according to the law and custom of England we shall see fit to be done. Witness, &c.

To be indorsed.

By order of Court [or of the Honourable Mr. Justice].

At the instance of the Defendant [if so].
This writ was issued by, &c.

No. 77.

WRIT OF CERTIORARI TO A CORONER FOR DEPOSITIONS.

VICTORIA, by the Grace of God, &c., to A. B., gentleman, one of Our coroners of and for Our county [or borough, or as the case may be], greeting : We, being willing, for certain reasons, that all and singular informations, examinations, depositions, and inquisitions, taken or made by or before you on view of the body of C. D., then and there lying dead, and touching the commitment of E. F. to Our prison of and for Our of , charged with feloniously killing and slaying the said C. D., be sent by you before a Judge at Chambers, do command you that you send forthwith under your seal before such Judge as may be at Chambers at the Royal Courts of Justice, London, all and

singular the said informations, examinations, depositions, and inquisitions, with all things touching the same, as fully and perfectly as they have been taken or made by or before you, and now remain in your custody or power, together with this Our writ, that We may cause further to be done thereon what of right and according to the law and custom of England We shall see fit to be done. Witness, &c.

Indorsement as in No. 76.

No. 78.

ENTRY OF PLEA OF NOT GUILTY OR GUILTY TO INDICTMENT, INFORMATION, OR INQUISITION.

In the High Court of Justice,
Queen's Bench Division.

[*Middlesex.*].—The Queen
against
A.B.

Enter plea of Not Guilty [or Guilty] for the above-named Defendant *A.B.* to the indictment [information or inquisition] in this prosecution by *C.D.*, his solicitor [or in person].

Dated, &c.

(Signed) *C.D.*, of *L.*, Agent for
G.H., of *Y.*, solicitor
for the said *A.B.*

No. 79.

SPECIAL PLEA TO INDICTMENT FOR NON-REPAIR OF HIGHWAY, THAT OTHERS, RATHER THAN TENURE, ARE BOUND TO REPAIR.

In the High Court of Justice,
Queen's Bench Division.

[*Lincolnshire.*].—The Queen
against

The inhabitants of the parish of .

And now, that is to say, on the day of 188 , before our said Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice, at the Royal Courts of Justice, London, *A.B.* and *C.D.*, two of the inhabitants of the said parish of , by *E.F.*, their solicitor, for themselves and the rest of the inhabitants of the said parish (excepting one *G.H.*), come into Court here, and having heard the said indictment read, say, that our Lady the Queen ought not further to prosecute the said indictment against the inhabitants of the parish aforesaid (excepting the said *G.H.*, as aforesaid), because they say that as to the said part of the said highway, in the said indictment described to be ruin-

ous, miry, deep, broken, and in great decay, the said *G.H.*, by reason of his tenure of certain lands and tenements called , lying and being in the said parish, ought to repair and amend the said part of the said highway so alleged to be ruinous, miry, deep, broken, and in decay, as aforesaid, when and so often as there should be occasion (as the said *G.H.* and all those who held the said lands and tenements for the time being, from the time whereof the memory of man is not to the contrary hitherto, were used and accustomed and of right ought to do), and this they, the said *A.B.* and *C.D.*, are ready to verify; wherefore they pray judgment, and that they and the rest of the inhabitants of the said parish of (excepting the said *G.H.*, as aforesaid) by the Court here may be dismissed and discharged from the said premises, in the said indictment above specified.

(Signed)

No. 80.

DEMURRER TO INDICTMENT OR INFORMATION.

[*Heading as in No. 78.*]

And now, that is to say, on the day of 188 , before our said Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice at the Royal Courts of Justice, London, comes the said *A.B.* by , his solicitor [or in his own proper person], and having heard the said indictment [or information] read, says that our said Lady the Queen ought not further to prosecute him; the said *A.B.*, by reason of the premises in the said indictment [or information] mentioned, because he says that the said indictment [or information], and the matters therein contained, are not sufficient in law to compel him, the said *A.B.*, to answer thereto; and this he is ready to verify. Wherefore he, the said *A.B.*, prays judgment, and that by the Court here he may be dismissed and discharged from the said premises in the same indictment [or information] specified.

(Signed)

No. 81.

PLEA OF NOT GUILTY AND JUSTIFICATION
PURSUANT TO 6 & 7 VICT. C. 96. S. 6.

[*Heading as in No. 78.*]

And now, that is to say, on the day of 188 , before our said Lady the Queen, in the Queen's Bench Division of Her

Majesty's High Court of Justice, at the Royal Courts of Justice, London, comes the said *A.B.* by his solicitor [or in his own proper person], and having heard the said indictment read, he says that he is not guilty thereof, and hereupon he puts himself upon the country. And Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes, does the like.

And for a further plea the said *A.B.*, pursuant to the statute in that behalf, says that our said Lady the Queen ought not further to prosecute the said indictment [or information] against him, because he says that it is true that [*here allege the truth of every libellous part of the publication set out in the indictment*].

And the said *A.B.* further says, that before and at the time of the publication in the said indictment [or information] mentioned [*here state facts which rendered the publication of benefit to the public*]; by reason whereof it was for the public benefit that the said matters so charged in the said indictment [or information] should be published, and this he, the said *A.B.*, is ready to verify. Wherefore he prays judgment, and that by the Court here he may be dismissed and discharged from the said premises in the said indictment [or information] above specified.
(Signed)

No. 82.

REPLICATION TO SPECIAL PLEA OF RATIONE TENURÆ.

[*Heading as in No. 79.*]

And hereupon Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes, says that by reason of anything in the said plea above pleaded in bar alleged our said Lady the Queen ought not to be precluded from prosecuting the said indictment against the said inhabitants of the said parish of , because he says that the said *G.H.* ought not to repair and amend the said part of the said highway so alleged to be ruinous, miry, deep, broken, and in decay, as aforesaid, by reason of his said tenure in manner and form as in and by the said plea is above supposed and alleged, and this he, the said Frederick Cockburn, prays may be enquired of by the country, and the said *A.B.* and *C.D.* for

themselves and the rest of the inhabitants of the parish of (excepting the said *G.H.*) do the like.

Therefore let a jury come.

No. 83.

REPLICATION TO PLEA OF JUSTIFICATION PURSUANT TO 6 & 7 VICT. C. 96. s. 6.

[*Heading as in No. 78.*]

And as to the plea of the said *A.B.* by him secondly above pleaded Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes, says that by reason of anything in the said second plea alleged, our said Lady the Queen ought not to be precluded from further prosecuting the said indictment against the said *A.B.*, because he says that he denies the said several matters in the said second plea alleged, and says that the same are not, nor are, nor is any or either of them, true, and this he, the said Frederick Cockburn, prays may be enquired of by the country, and the said *A.B.* does the like.

Therefore let a jury come.

No. 84.

DEMURRER BY PROSECUTOR TO DEFENDANT'S PLEA.

[*Heading as in No. 78.*]

And Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, who for our said Lady the Queen in this behalf prosecutes, having heard the said plea of the said *A.B.*, by him, in manner and form above pleaded in bar, for our said Lady the Queen, says that the said plea, and the matters therein contained, in manner and form as the same are above pleaded and set forth, are not sufficient in law, and that he, the said Coroner and Attorney for our said Lady the Queen, is not bound by the law of the land to answer the same, and this he, the said Coroner and Attorney, is ready to verify. Wherefore, for want of a sufficient plea in this behalf, the said Coroner and Attorney for our said Lady the Queen prays judgment, and that the said *A.B.* may be convicted of the premises above charged upon him.

(Signed)

No. 85.

JOINDER IN DEMURRER BY PROSECUTOR.

[Heading as in No. 78.]

And Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes, says that our said Lady the Queen ought not to be barred from prosecuting the said indictment [or from having her aforesaid information], against the said *A.B.*, because he says that the said indictment [or information] and the matters therein contained, are good and sufficient in law to compel him, the said *A.B.*, to answer thereto. Therefore, he, the said Coroner and Attorney for our said Lady the Queen, prays judgment, and that the said *A.B.* may be convicted of the premises charged upon him in and by the said indictment [or information].

No. 86.

JOINDER IN DEMURRER BY DEFENDANT.

[Heading as in No. 78.]

And the said *A.B.* by _____ says that the said plea and the matters therein contained, in manner and form as the same are above pleaded and set forth, are sufficient in law to bar or preclude our said Lady the Queen from having her aforesaid information against him, the said *A.B.*, and that he is ready to verify and prove the same, as the Court shall award. Wherefore, inasmuch as the said Coroner and Attorney has not answered or denied the said plea, nor in any manner replied to the same, he the said *A.B.* prays judgment, and that he may be discharged by the Court here, of and from the premises by the said information above charged upon him.

No. 87.

ORDER TO EXTEND TIME FOR PLEADING.

In the High Court of Justice,
Queen's Bench Division,
The Honourable Mr. Justice
Judge in Chambers.

[*Middlesex.*]—The Queen
against
A.B.

Upon reading the affidavit of
fled the _____ day of _____ 188 , and
upon hearing _____ :

It is ordered that the Defendant [or Prosecutor] shall have _____ days further to
plead to the [indictment] in this prosecution
[upon the following terms, viz. :—]

Dated, &c.

No. 88.

NOTICE OF TRIAL TO BE GIVEN TO THE PROSECUTOR UPON INDICTMENT REMOVED BY THE DEFENDANT.

In the High Court of Justice,
Queen's Bench Division.

[*Middlesex.*]—The Queen

v.
A.B.

Take notice, that the indictment found against the above-named Defendant at the sessions _____ held at _____ in the county of _____ on _____ the _____ day of _____ for certain [misdemeanours] is removed by writ of Certiorari, at the instance of the said Defendant, into the Queen's Bench Division. And that he has appeared and pleaded not guilty thereto, and will try the issue thereupon joined at the next assizes to be holden at _____ in and for the county of _____ on the _____ day of _____ 188 [or in *Middlesex* or [London]] on the _____ day of _____ 188 , at the Royal Courts of Justice, London] pursuant to the condition of the recognisance entered into in that behalf.

Dated, &c.

(Signed) *M.N.*, of *L.*, agent for
G.H., of *S.*, solicitor

To *X.Y.*, _____ for the said *A.B.*
The Prosecutor's Solicitor.

No. 89.

NOTICE OF TRIAL IN MIDDLESEX OR LONDON.

In the High Court of Justice,
Queen's Bench Division.

[*Middlesex* or [London].—

The Queen
against
C.D.

Take notice of trial of the issue joined in this prosecution in *Middlesex* [or London], for the _____ day of _____ next, at the Royal Courts of Justice, London.

Dated, &c.

No. 90.

NOTICE OF TRIAL FOR THE ASSIZES.

In the High Court of Justice,
Queen's Bench Division.

[*Surrey.*]—The Queen

against
A.B.

Take notice of trial of the issue joined in this prosecution for the next assizes to be holden at _____ in and for the county of _____ on the _____ day of _____ 188 .

Dated, &c.

No. 91.

RECORD OF INDICTMENT FOR TRIAL.

Pleas before our Lady the Queen in the Queen's Bench Division of Her Majesty's High Court of Justice, at the Royal Courts of Justice, London, in the year of our Lord one thousand eight hundred and eighty-six.

Amongst the Pleas of the Queen Roll.

[*County or venue in the margin.*] Some time ago, that is to say, on the day of at, &c., before, &c. [*Recite the caption of the indictment in the past tense.*]

Amongst the In- } It was presented in dictments of } manner and form follow- 1886, No. } ing, that is to say [*copy the indictment*]: Which said indictment our said Lady the Queen afterwards, for certain reasons, caused to be brought before her, to be determined according to the law and custom of England. [*When bill found in this Court omit these words.*] Wherefore the sheriff of the said county of was commanded that he should cause them, the said *A. B.*, *C. D.*, &c. [*the Defendants*], to come and answer to our said Lady the Queen touching and concerning the premises aforesaid. And now, that is to say, on the day of , in the year of our Lord one thousand eight hundred and eighty-five, before our said Lady the Queen, at the Royal Courts of Justice, London, come the said *A. B.*, *C. D.*, and *E. F.*,* by their solicitors [*or in their own proper persons*], and having heard the said indictment read, they severally say that they are not guilty thereof, and hereupon they severally put themselves upon the country, and Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes, does the like. Therefore let a jury thereupon come.

* *Where inhabitants of a parish or county, &c., are defendants, the plea and award of jury process is as under:—*

And now, that is to say, on the day of in the year of our Lord one thousand eight hundred and eighty-six, before our said Lady the Queen at the Royal Courts of Justice, London, come *A. B.* and *C. D.*, two of the inhabitants of the said parish of , on behalf of themselves and the rest of the inhabitants of the said parish, by *E. F.*, their solicitor [*or, in their own proper persons*], and having heard the said indictment read, they, for themselves and the rest of the inhabitants of the said

parish, say that the inhabitants of the said parish of are not guilty thereof, and hereupon they, for themselves and the rest of the inhabitants of the said parish, put themselves upon the country. And Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes, does the like. Therefore, &c.

No. 92.

RECORD OF INFORMATION, CRIMINAL, FOR TRIAL.

Pleas before our Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice, at the Royal Courts of Justice, London, in the year of our Lord one thousand eight hundred and eighty-six.

Amongst the Pleas of the Queen Roll.

Amongst the Informa- { [*Middlesex*]. —Be tions of 1886, No. } it remembered, that Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes in his proper person, came here into the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, at the Royal Courts of Justice, London, on the day of one thousand eight hundred, &c. And for our said Lady the Queen, brought into the said Court, before the Queen herself, a certain information against *C. D.*, which said information follows in these words, that is to say [*here set out the information verbatim*].

* [*Wherefore the sheriff of the county of was commanded that he should cause him, the said A. B., to come to answer to our said Lady the Queen, touching and concerning the premises aforesaid.*] And now, that is to say on the day of in the year of our Lord one thousand eight hundred and eighty-five, before our said Lady the Queen, at the Royal Courts of Justice, London, comes the said *A. B.*, by his solicitor, and having heard the said information read, says that he is not guilty thereof, and hereupon he puts himself upon the country, and Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, in the Queen's Bench

* These words may be omitted if process not actually issued.

Division of Her Majesty's High Court of Justice, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes, does the like.† Therefore let a jury thereupon come.

† Should plea of justification under statute be entered it must be added here.

No. 93.

RECORD OF INFORMATION (EX OFFICIO) FOR TRIAL.

[Same as No. 92.]

[Using the name of the Attorney or Solicitor General, instead of that of the Queen's Coroner and Attorney. Thus:] Sir Richard Webster, Knight, Attorney-General of our present Sovereign Lady the Queen, who for our said Lady the Queen in this behalf prosecutes, came here into the Queen's Bench Division, &c.

No. 94.

SUGGESTION THAT A FAIR AND IMPARTIAL TRIAL CANNOT BE HAD.

And hereupon the said _____ says that a fair and impartial trial of the issue joined in this prosecution cannot be had by a jury of the county of _____, and that it is convenient that the said issue be tried by a jury of the county of _____, which is a county next adjoining to the said county of _____, and for that reason he the said _____ prays that a jury may come before our said Lady the Queen, out of the body of the said county of _____, to try the issue aforesaid. And because the said _____ does not deny the said allegation, nor say anything against the same, and because it appears to the said Court, before the Queen herself, that the said allegation is true, therefore let a jury of the said county of _____ thereupon come.

No. 95.

SUGGESTION ON INDICTMENT AGAINST INHABITANTS OF A COUNTY.

And hereupon the said Coroner and Attorney of our said Lady the Queen, for our said Lady the Queen, says that all the inhabitants of the said county of _____ are concerned in interest in the event of the trial of the said issue, and for that reason he

the said Coroner and Attorney prays that a jury may come before our said Lady the Queen, out of the county of _____, which is an adjoining county to the said county of _____, in order to try the issue aforesaid.

And because the aforesaid inhabitants of the said county of _____ do not deny the said allegation, nor say anything against the same, and because it appears to the said Court that the said allegation is true, therefore let a jury of the said county of _____ thereupon come.

No. 96.

SUGGESTION UNDER 38 GEO. 3. C. 52 TO TRY IN AN ADJOINING COUNTY TO A TOWN AND COUNTY OF THE TOWN.

And hereupon the said _____, Coroner and Attorney of our said Lady the Queen, who prosecutes as aforesaid, by virtue of the statute in such case made and provided, prays the said Court now here to direct that the said issue so joined upon the said indictment may be tried by a jury of the county of [York], being the county next adjoining to the town and county of the town of [Kingston-upon-Hull]. And the said Court thinking it fit and proper so to do, therefore let a jury of the said county of [York] thereupon come.

[When on behalf of the Defendant insert the Defendant's name in the place of the Queen's Coroner and Attorney.]

No. 97.

SUGGESTION IN BERWICK-UPON TWEED.

And because the borough of Berwick-upon-Tweed is a place where the burgesses of the said borough, by reason of their privilege, ought not to be put upon a jury to try the said issue out of the said borough, but the said issue ought to be tried by a jury of the county of Northumberland, which is the next adjacent county to the said borough of Berwick-upon-Tweed. Which allegations of the said A. B. are not denied by the said F. C., Esquire, therefore let a jury of the said county of Northumberland thereupon come.

No. 98.

SUGGESTION IN ONE OF THE CINQUE PORTS.

And hereupon the said F. C., Esquire, who prosecutes as aforesaid, says that the said town of Deal is one of the ancient towns of the Cinque Ports; and that the inhabitants

within the same town, and also the inhabitants within the liberty of the Cinque Ports, have such franchises, that no Justice, or any other minister of our said Lady the Queen, can or ought to enter the town to execute any office there, nor ought the freeholders or residents within the liberties of the said Cinque Ports to go out of the same, to make or constitute any jury without the said liberties. And therefore he prays that a jury may come before our said Lady the Queen, out of the body of the county of Kent, in order to try the issue aforesaid. And because the said [*Defendant*] does not deny the said allegation; and because it appears to the said Court that it is fit and proper so to do, the same is granted to him. Therefore let a jury thereupon come out of the body of the said county of Kent.

No. 99.

SUGGESTION WHERE THE SHERIFF IS
DEFENDANT.

And because the aforesaid *A.B.*, the Defendant above-mentioned, now is one of the sheriffs of the said where the supposed offence in the said information [or indictment] is mentioned to be committed, and therefore is concerned in interest in the event of the trial of the issue; therefore the coroners of the said county are commanded that they cause to come.

No. 100.

JUDGE'S ORDER TO STRIKE SPECIAL JURY AS
PROVIDED BY "THE JURIES ACT, 1870."

In the High Court of Justice,
Queen's Bench Division.
The Honourable Mr. Justice in
Chambers.
[*Middlesex*].—The Queen
against
A.B.

Upon reading
and upon hearing counsel on both sides [*or as the case may be*]

It is ordered at the prayer and instance of the [*Prosecutor*], that the issue joined in this prosecution be tried by a special jury of the county of , and that the sheriff of the said county or his under sheriff do attend at the Crown Office with the jurors' book and the special jurors' list of the said county, and the numbers referring to the names in such list, written upon distinct

pieces of parchment or card. And that the proper officer at the Crown Office shall nominate forty-eight men qualified to serve on special juries within the said county, and the solicitor or agent for the said Prosecutor shall strike out twelve, and the solicitor or agent for the defendant shall in like manner strike out twelve of the said forty-eight, and that twenty-four, the remainder of the said forty-eight, shall be returned for the trial of the issue joined in this prosecution.

Dated, &c.

No. 101.

ROLL FOR TRIAL AT BAR.

[*Same as No. 112.*]

No. 102.

WARRANT OF TALES.

Middlesex. Sir Richard Webster, Knight, Attorney-General of our present Sovereign Lady the Queen, [for our said Lady the Queen, *omit these words if the tales is prayed for the Defendant*] prays a Tales de Circumstantibus to be granted by the Court here according to the form of the Statute in such case made and provided for the trial of the issue joined between our said Lady the Queen and *A.B.* upon an indictment [or information] for certain [misdemeanours] lest the jury to be taken in this behalf do remain untaken for default of jurors.

Dated, &c.

(Signed)
R. WEBSTER
(Attorney-General).

No. 103.

ASSOCIATES' CERTIFICATE AFTER TRIAL.

In the High Court of Justice,
Queen's Bench Division.

Middlesex.—The Queen
against
A.B.

I certify that this [*indictment*] was tried before the Honourable Mr. Justice at and a [*special*] jury of the county of on the day of 1886.

The jury found the Defendant guilty [or not guilty, or guilty on such and such counts,

and not guilty on such and such counts, enumerating them].

That the Judge sentenced the Defendant to pay a fine of, &c.

That the Judge certified [that the case was proper to be tried by a special jury or other certificate, as the case may be].

Dated, &c.

(Signed)

X. Y.

Title of Officer.

No. 104.

POSTEA ON TRIAL IN MIDDLESEX OR LONDON.

Afterwards on the day of 188 , before the Right Honourable JOHN DUKE BARON COLERIDGE, Lord Chief Justice of England [or the Honourable Mr. Justice] come, as well the within named F. C., Esquire, who for our said Lady the Queen in this behalf prosecutes, as the within-named A. B., by his solicitor within-mentioned, (A) and a [special] jury of the within county, to wit [here insert the names and descriptions of the jurors who attended], being summoned and called, come and are sworn upon the said jury. Whereupon public proclamation is made here in Court for our said Lady the Queen, as the custom is, that if there be any one who will inform the aforesaid Chief Justice [or Judge], the Queen's Attorney-General, or the jurors of the jury aforesaid, concerning the matters within-contained, he should come forth and should be heard, and hereupon, J. P., Esquire, one of the counsel of our said Lady the Queen [or of counsel learned in the law] offers himself on behalf of our said Lady the Queen to do this. Whereupon the Court here proceeds to the taking of the inquest aforesaid (B) by the jurors aforesaid, now here appearing for the purpose aforesaid, who being chosen, tried, and sworn to speak the truth touching and concerning the matters within contained [when convicted] say, upon their oath, that the said A. B. is guilty of the premises in the [if in some counts only, say: second and third counts of the] indictment [or information] within specified and charged upon him in manner and form, as in and by the said indictment [or information] is within alleged against him.

[When acquitted] say upon their oath that the said A. B. is not guilty of the premises in the indictment within specified and charged upon him, in manner and form as the said A. B. has, by pleading for himself, alleged.

If a tales has been prayed—

A. And a [special] jury of the within county being summoned and called, some of them, that is to say, [name such of the jurors as appeared at the trial] and because the rest of the jurors of the said jury do not appear, therefore others of the bystanders being chosen by the sheriff of the within county, at the request of the said A. B. [or of the said Frederick Cockburn] and by command of the said Chief Justice [or Judge] are newly appointed, whose names are added to the panel according to the form of the statute in such case made and provided, which said jurors so newly appointed, to wit, [insert the names and description of the talesmen] being called likewise come, and are sworn upon the said jury.

B. As well by the jurors aforesaid first impanelled and sworn, as by the other jurors now here appearing, who, together with the jurors aforesaid first impanelled and sworn, being chosen, tried, and sworn to speak the truth, &c.

No. 105.

POSTEA AT THE ASSIZES.

Afterwards on the day of 188 , [the commission day] at in the county of before the Honourable Mr. Justice , and the Honourable Mr. Justice. , justices of our said Lady the Queen assigned to hold the assizes in and for the county of within-mentioned, according to the form of the statute in such case made and provided, come [dec. as in No. 104].

No. 106.

WARRANT TO APPREHEND DEFENDANT SENTENCED AT TRIAL WHEN NOT PRESENT AT THE TRIAL.

Whereas the above-named Defendant A. B. was on the day of 188 , at the sittings of the High Court of Justice, in the county of [Middlesex], before me the Honourable Mr. Justice tried, and by a jury of the country convicted of certain misdemeanours [or felonies], whereof he is indicted, and it was thereupon considered and adjudged and ordered by me that for the offences whereof he was so convicted as aforesaid he the said A. B. should be imprisoned in Her Majesty's prison at in and for the county of for the space of [three calendar months].

These are therefore to command you to

apprehend and take the said *A.B.* and lodge him in the said prison at aforesaid, there to be imprisoned and kept in safe custody by the gaoler of the said prison in execution of the said judgment.

Dated, &c.

No. 107.

WARRANT AFTER CONVICTION TO HOLD DEFENDANT TO BAIL TO APPEAR FOR SENTENCE.

In the High Court of Justice.

Queen's Bench Division.

England, to wit. Whereas it is certified to me by [one of the clerks in the Crown Office], that [as in certificate].

These are therefore to command you in Her Majesty's name to apprehend and take the said *A.B.* before one of the Judges of the High Court of Justice, if taken in or near the cities of London or Westminster, if elsewhere before some justice of the peace near to the place where he shall be taken, to the end that he may become bound by his own recognisance in the sum of _____ pounds, with two sureties in the sum of _____ pounds each [or say, with sufficient sureties], for his personal appearance in the Queen's Bench Division of Her Majesty's High Court of Justice on the _____ day of _____ 188____, in order to receive the judgment of the said Court for his said offence, and to be further dealt with according to law.

Dated, &c.

(Signed)

COLERIDGE

(Lord Chief Justice of England).

To Mr. *L.*, tipstaff of the Queen's Bench Division.

To all constables and all other peace officers whom it may concern.

No. 108.

ORDER TO COMMIT WHEN DEFENDANT SENTENCED AT TRIAL.

In the High Court of Justice,
Queen's Bench Division.

[*Cheshire.*—The Queen
against
A.B.

The Defendant *A.B.* being present here in Court, and being by a jury of the country convicted of certain misdemeanours [or felonies], whereof he is indicted in this prosecution, it is ordered that he, the said Defendant, [do pay a fine to our Sovereign

Lady the Queen of _____ pounds of lawful money of Great Britain, and further that he be imprisoned until the said fine be paid; and the said defendant is now here in Court committed to the custody of the gaoler of Her Majesty's prison at _____ until the said fine be paid, or as the case may be].

Dated, &c.

By the Court.

No. 109.

CERTIFICATE OF CONVICTION FROM CLERK OF ASSIZE OR ASSOCIATE FOR APPLICATION FOR WARRANT.

[Heading as in No. 103.]

I hereby certify that the above-named Defendant *A.B.* was, on the _____ day of _____, tried before the Honourable Mr. Justice _____ and a [special] jury, upon an indictment against him for [here state offence], that the jury found the said Defendant guilty, and that the Judge sentenced the said Defendant to [here insert sentence].

Dated, &c.

(Signed)

X. Y.

[Title of officer.]

No. 110.

WARRANT OF ARREST AFTER CONVICTION AND RECOGNISANCES ESTREATED.

England, to wit. Whereas it is certified to me by one of the masters of the Crown Office that at the assizes [or as the case may be] holden in and for the county of _____, on the _____ day of _____, an indictment for certain [misdemeanours] was found by the grand jury of the said county against *A.B.*, which said indictment was afterwards by writ of Certiorari issuing out of the Queen's Bench Division of Her Majesty's High Court of Justice, removed into the said Court, and thereupon the said *A.B.* gave a recognisance to answer the said indictment, and not depart the said Court without leave, and that the said *A.B.* having appeared and pleaded not guilty to the said indictment, was at _____, on the _____ day of _____ last, in and for the county of Middlesex, before the [naming the Judge] and by a jury of the country convicted of the said offence charged upon him in and by the said indictment; and it is further certified that on the _____ day of _____ last the said *A.B.*, having been three times publicly called in the said Court upon his said recognisance and

not appearing, it was ordered by the said last-mentioned Court that his default should be recorded and the said recognisance estreated into the Exchequer; and it is further certified that the said *A.B.* hath not appeared in the said Queen's Bench Division of Her Majesty's High Court of Justice, in order to receive the judgment of the said Court for the said offence, nor is he now under any recognisance so to do. This is therefore to command you, in Her Majesty's name, to apprehend and take the said *A.B.*, and if he shall be apprehended during the sittings of the said last-mentioned Court, to bring him into the Queen's Bench Division of Her Majesty's High Court of Justice, at the Royal Courts of Justice, London, to receive the judgment of the said Court for his said offence; or if he shall be apprehended in vacation, forthwith to convey him to the common prison of the county, city, or place where he shall be apprehended, there to remain without bail or mainprize until he shall be discharged by due course of law.

Dated, &c.

No. 111.

WARRANT OF ARREST ON CONVICTION BY DEFAULT TO HOLD DEFENDANT TO BAIL.

England, to wit. Whereas, &c. (as in No. 110).

And it is further certified that the said Defendant having suffered judgment to pass against him by default upon the said information [or indictment], judgment has been thereupon signed against him, and it is further certified that the said Defendant has not as yet received the sentence of the said Court for the said offence, nor is he under any recognisance in the said Court so to do.

These are, therefore, to command you and every of you on sight hereof to apprehend and take the said *A.B.* and bring him before me or one other of the Judges of the Queen's Bench Division of the High Court of Justice if taken in or near the cities of London and Westminster, if elsewhere before some justice of the peace near to the place where he shall be herewith taken, to the end that he may become bound with sufficient sureties for his personal appearance in the Queen's Bench Division of Her Majesty's High Court of Justice on the day of in order to receive the sentence of the said Court for the said offence and be further dealt with according to law.

Dated, &c.

No. 112.

ENTRY OR JUDGMENT ROLL ON INDICTMENT.

A.B. [*the Defendant's name*].

As yet of 1886. The Queen.

Amongst the In- } *Middlesex*.—Some time
dictments of } ago, that is to say [here
1886, No. } *copy the caption of the in-*
dictment, and the indictment verbatim, accord-
ing to the office copy, omitting the witnesses'
names], [which said Indictment our said Lady
the Queen afterwards for certain reasons
caused to be brought before her, to be de-
termined according to the law and custom of
England,]*

Wherefore the sheriff of the said county of was commanded that he should cause him the said *A.B.* [*the Defendant*] to come to answer to our said Lady the Queen, touching and concerning the premises aforesaid. [If a *capias* has been issued say instead of "cause him the said *A.B.* to come," "take him."†]

‡ And now, that is to say, on the day of in the year of our Lord one thousand eight hundred and eighty-six, before our said Lady the Queen in the Queen's Bench Division of Her Majesty's High Court of Justice, at the Royal Courts of Justice, London, comes the said *A.B.* by *C.D.*, his solicitor, and having heard the said indictment read, he says that he is not guilty thereof, and hereupon he puts himself upon the country. § And Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, in the said Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes, does the like. Therefore let a jury thereupon come.

|| And afterwards, that is to say, on the day of in the year of our Lord one thousand eight hundred and eighty-six, at the Royal Courts of Justice, London, before the Right Honorable John Duke Baron Coleridge, Lord Chief Justice of England, come as well the aforesaid Frederick Cockburn, Esquire, who for our said Lady the Queen in this behalf prosecutes, as the said *A.B.* by *C.D.*, his solicitor above-mentioned, and the jurors of the jury being summoned and called, to wit [here insert the

* Award of Certiorari. This must be omitted when the indictment is found in this Court.

† Award of venire or *capias* to answer.

‡ Issue.

§ For other pleas see Nos. 79 to 86 and 113, and suggestions for change of venue, Nos. 94 to 99.

|| Postea. For other forms see Nos. 104 and 105.

names and descriptions of the jurors, and if a tales, add the necessary words from No. 104], come and are sworn upon the said jury. Whereupon public proclamation is made here in Court for our said Lady the Queen, as the custom is, that if there be any one who will inform the aforesaid Chief Justice, the Queen's Attorney-General, or the jurors aforesaid, concerning the matters within contained, he should come forth and should be heard; and hereupon F.T., Esquire, one of the counsel of our said Lady the Queen, offers himself on behalf of our said Lady the Queen to do this. Whereupon the Court here proceeds to the taking of the inquest aforesaid, by the jurors aforesaid now here appearing for the purpose aforesaid, who being chosen, tried, and sworn, to speak the truth touching and concerning the matters aforesaid, say upon their oath that the said A.B. is guilty of the premises in the second and third counts of the indictment within specified and charged upon him in manner and form as in the said indictment is alleged against him, and that he the said A.B. is not guilty of the premises in the first and fourth counts of the said indictment specified and charged upon him in manner and form as the said A.B. has by pleading for himself alleged.

* Whereupon all and singular the premises being seen and fully understood by the Queen's Bench Division of Her Majesty's High Court of Justice now here. It is considered and adjudged by the said Court here that he the said A.B., for his offences aforesaid be taken, and so forth.

† And afterwards, that is to say, on the day of in the year last aforesaid, before our Lady the Queen in the Queen's Bench Division of Her Majesty's High Court of Justice at the Royal Courts of Justice, London, come the said F.C., who for our said Lady the Queen in this behalf prosecutes. And the said A.B. being present here in Court, it is considered and adjudged and ordered by the said Court here, that he the said A.B., for his offences aforesaid, &c. [*Copy the sentence from the Order of Court*].

* Entry of judgment upon verdict after conviction.

† Final judgment.

No. 113.

ENTRY OF PLEA OF GUILTY OR CONFESSION.

[*Instead of "says he is not guilty"*] says he cannot deny but that he is guilty of the premises in the indictment within specified and

charged upon him, and confesses and acknowledges the premises aforesaid, in manner and form as in and by the said indictment is within alleged against him; and hereupon he puts himself upon the mercy of our said Lady the Queen.

No. 114.

ENTRY OF RETRAHIT OF PLEA AND JUDGMENT THEREON.

And on the day of before our said Lady the Queen in the Queen's Bench Division of Her Majesty's High Court of Justice at the Royal Courts of Justice, London, comes the said Frederick Cockburn, who for our said Lady the Queen in this behalf prosecutes, as the said A.B., by C.D., his solicitor [or in his own proper person], and the said A.B. having withdrawn his plea by him above pleaded, in manner and form aforesaid, our said Lady the Queen remains against him the said A.B. without defence in this behalf. Whereupon all and singular the premises being seen and fully understood by the said Queen's Bench Division now here, it is considered and adjudged by the said Court here that he, the said A.B., be convicted of the trespass and offence aforesaid, and that he be taken, and so forth.

No. 115.

ENTRY OF JUDGMENT UPON VERDICT AFTER ACQUITTAL.

[*After the Postea.*]—Whereupon all and singular the premises being seen and fully understood by the Queen's Bench Division of Her Majesty's High Court of Justice now here. It is considered and adjudged by the said Court here, that he, the said A.B., do depart hence without day in this behalf.

No. 116.

ENTRY OF JUDGMENT BY DEFAULT.

And now, that is to say, on the day of in the year of our Lord one thousand eight hundred and eighty-five, before our said Lady the Queen in the Queen's Bench Division of Her Majesty's High Court of Justice at the Royal Courts of Justice, London, comes the said A.B. [*by C.D. his solicitor*], and having heard the said indictment read, he prays a day to answer thereto, until on the day of . And it is granted to him. The same day is given as well to F.C., Esq., Coroner and Attorney of our said Lady the Queen, who for our

said Lady the Queen in this behalf prosecutes, as to the said *A.B.* On which said day of before our said Lady the Queen comes the said *F.C.*, who prosecutes for our said Lady the Queen in this behalf in his proper person. And the said *A.B.*, although being solemnly called to answer, does not come, nor does he say anything in bar, or in abatement of the said indictment, nor does he in any manner answer to the said indictment, or to the premises in the said indictment specified above charged upon him. Wherefore our said Lady the Queen remains against him the said *A.B.*, without defence in this behalf. Whereupon all and singular the premises being seen and fully understood by the said Court now here, it is considered and adjudged by the said Court here that the said *A.B.* be convicted of the trespass and offence aforesaid, and that he be taken, and so forth.

No. 117.

ENTRY OF JUDGMENT ON CONFESSION.

[See *Confession or Plea of Guilty*, No. 113.]

Whereupon all and singular the premises being seen and fully understood by the Queen's Bench Division of Her Majesty's High Court of Justice now here. It is considered and adjudged by the said Court here, that he, the said *A.B.*, be convicted of the trespass and offence aforesaid. And that for his offences aforesaid he be taken, and so forth.

No. 118.

ENTRY OF JUDGMENT FOR WANT OF JOINDER IN DEMURRER.

Whereupon all and singular the premises being seen and fully understood by the Queen's Bench Division of Her Majesty's High Courts of Justice now here, for that no one comes on behalf of our said Lady the Queen [or on behalf of the said *A.B.*, as the case may be], further to inform the Court here of the premises, or to join in demurrer with the said *A.B.* It is considered and adjudged by the said Court here, that the said *A.B.* be dismissed and discharged of and from the premises above specified in the said indictment, and that he depart hence without day in this behalf.

[The above is in case of demurrer to indictment; in case of demurrer to other proceedings, judgment after conviction, or acquittal, or for the Crown or prosecutor, or for defendant, must be substituted, as the case may be.]

No. 119.

ENTRY OF JUDGMENT ON DEMURRER AFTER ARGUMENT.

Whereupon all and singular the premises being seen and fully understood by the Queen's Bench Division of Her Majesty's High Court of Justice now here, it is considered and adjudged, by the said Court here, that the said plea of the said *A.B.* is bad, and insufficient in law to bar or preclude our said Lady the Queen from further prosecuting the said *A.B.* upon the said information [or indictment], and therefore that the said *A.B.*, for want of a sufficient plea in this behalf, be convicted of the premises in the information [or indictment] within specified, and charged upon him in manner and form as in and by the said information [or indictment] is within alleged against him. And that for his offences aforesaid he be taken and so forth.

[The above form applies to judgment of conviction upon demurrer to plea to indictment or information. In case of judgment on demurrer to any other proceeding or pleading, the form must be varied accordingly—substituting a judgment of acquittal.]

No. 120.

ENTRY OF A NOLLE PROSEQUI.

Afterwards on the day of before our said Lady the Queen at the Royal Courts of Justice, London, come as well the said Coroner and Attorney of our said Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice, who for our said Lady the Queen in this behalf prosecutes in his proper person, as the said *A.B.*, by his solicitor. And the said Coroner and Attorney for our said Lady the Queen says that he will not further prosecute the said *A.B.* upon the information [or indictment] aforesaid. Whereupon all and singular the premises being seen and fully understood by the Court now here, it is considered and adjudged by the said Court here that all proceedings upon the said information [or indictment] against the said *A.B.* be altogether stayed, and that the said *A.B.* be discharged of and from the said information [or indictment].

[In the case of an information filed by the Attorney-General, his name must be used instead of that of the Queen's Coroner and Attorney.]

No. 121.

RECOGNISANCE TO APPEAR FOR SENTENCE.

Be it remembered, that on the day of 188, [insert names and descriptions of the defendant and bail, if bail required], come before me, one of Her Majesty's Justices of the peace in and for the county of , and acknowledge to owe our Sovereign Lady the Queen the several sums following (that is to say), the said the sum of pounds, and the said and the sum of pounds, each of lawful money of Great Britain, to be levied upon their several goods and chattels, lands and tenements, to her Majesty's use, upon condition that if he the said shall personally appear in the Queen's Bench Division of Her Majesty's High Court of Justice on the day of next, or whenever he shall thereto be required in order to receive the sentence of the said Court for certain whereof he is indicted [or impeached], and by a jury of the country [or by his own default or confession] convicted, and so from day to day, and not depart that Court without leave, then this recognisance to be void, or else to remain in full force.

Taken, &c.

No. 122.

NOTICE TO CALL A DEFENDANT ON RECOGNISANCE TO APPEAR FOR SENTENCE.

In the High Court of Justice.
Queen's Bench Division.

[Middlesex.]—The Queen.
against
A.B.

Take notice that the Queen's Bench Division of Her Majesty's High Court of Justice will be moved on the day of 188, or so soon after as counsel can be heard for the judgment of the said Court against the above-named defendant for certain [conspiracies] whereof he (with others) is indicted and by a jury of the country [or by his own default or confession, as the case may be] convicted. And that he, the said defendant, is hereby required personally to attend the said Court in order to receive judgment as aforesaid. And in case the said defendant does not then attend, the said Court will be moved that his default may be recorded, and that the recognisance of the said defendant and of his bail, entered

into in this prosecution, be estreated into the Exchequer.

Dated, &c.

(Signed)

M.N.

[Solicitor for the Prosecutor.]

To A.B., the above-named defendant; and also to C.D., of, &c., and E.F., of, &c., his bail.

No. 123.

JUDGMENT FOR THE CROWN ON QUO WARRANTO AFTER TRIAL WITH A JURY.

In the High Court of Justice,
Queen's Bench Division.

[Middlesex.]—The Queen, on the relation of A.B.,
against
C.D.

15th April, 1886.

The information in this prosecution having, on the 12th and 13th days of April, 1886, been tried before the Honourable Mr. Justice with a [special] jury of the county of , and the jury having found [state findings as in officer's certificate], and the said Mr. Justice having ordered that judgment be entered for the Crown with costs [or as the case may be]: Therefore it is adjudged that the defendant C.D. do not in any manner intermeddle with or concern himself about the office, liberties, privileges, and franchises in respect of which the said information has been filed, but that he be absolutely forejudged and excluded from exercising, or using the same or any of them for the future. And that the said A.B., the relator above-mentioned, do recover against the said C.D. his costs in this behalf to be taxed.

The above costs have been taxed and allowed at £ as appears by the Master's allocatur dated the day of 1886.

No. 124.

JUDGMENT FOR THE CROWN ON MANDAMUS AFTER TRIAL WITH A JURY.

In the High Court of Justice,
Queen's Bench Division.

[Insert name of county]—The Queen, on the prosecution of A.B., plaintiff,
against
C.D., defendant.

30th March, 1886.

The issue on this writ of mandamus having

on the day of 1886, been tried before the Honourable Mr. Justice , with a [special] jury of the county of , and the jury having found [*state findings as in officer's certificate*], and the said Mr. Justice having ordered that judgment be entered for the Crown with costs [*or as the case may be*]. Therefore it is adjudged that a peremptory writ of mandamus be awarded in this behalf, and that the plaintiff do recover against his costs to be taxed.

The above costs have been taxed and allowed at £ as appears by the Master's allocatur dated the day of 1886.

No. 125.

ATTORNEY-GENERAL'S FIAT FOR WRIT OF ERROR ON INDICTMENT AT SESSIONS.

[*County*].—Let a writ of error, on behalf of the defendant A.B., issue directed to the keepers of the peace and Justices assigned to hear and determine divers crimes, trespasses, and other offences committed in the county of upon a certain indictment against the said A.B. for certain [*misde-meanours*] whereof he was before them indicted, and by a jury of the county aforesaid convicted. And whereupon judgment has been pronounced against him the said A.B.

Returnable in the Queen's Bench Division of Her Majesty's High Court of Justice.

Dated, &c.

(Signed)

RICHARD WEBSTER

(Attorney-General.)

* *If indictment at borough sessions say* :—

Directed to X.Y., Esquire, the recorder of the borough [*or city*] of , in the county of , our Justice assigned, &c.

No. 126.

WRIT OF ERROR TO INFERIOR COURT.

VICTORIA, by the Grace of God, &c., to Our keepers of the peace and Our Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within Our county of [*or to F.P., Esquire, Recorder of Our borough of , in the county of , Our Justice assigned, &c., or if assizes say, Our Justices of Oyer and Terminer in and for Our county of , or if Central*

Criminal Court say, Our Justices of the Central Court], greeting: Forasmuch as in the record and proceedings and also in the giving of judgment in a certain presentment made against E.F. at a sessions of the peace in aid for the said county of [*or said borough of*] [held by adjournment, *if so*] at on [Tues]day the day of in the year of

our Lord one thousand eight hundred and eighty-six, before [*insert the names of some of the Justices*] and others their associates, then Our Justices assigned to keep the peace in Our said county, and also to hear and determine divers crimes, trespasses, and other offences in the said county committed [*or before the said F.P., Our recorder assigned, &c. If the indictment was tried at the assizes or Central Criminal Court this recital must be varied according to the caption of the indictment*] for certain felonies [*or misdemeanours*] in [*here shortly describe the nature of the offence*] whereof the said E.F. was accused before the said [*here repeat description of Court as above*] and was thereupon convicted thereof by a certain jury of the country, taken between Us and the said E.F., as it is said, manifest error hath intervened to the great damage of the said E.F., as by his complaint We are informed. We being willing that the said error (if any there be) should in due manner be corrected, and full and speedy justice done to the said E.F. in this behalf, do command you that if judgment be thereupon given, then you send to Us distinctly and openly under your seals or the seal of one of you, the record and proceedings aforesaid, with all things concerning the same, with this writ, so that We may have them before Us on the day of next, in the Queen's Bench Division of Our High Court of Justice at the Royal Courts of Justice, London, that the record and proceedings aforesaid being inspected, viewed, and examined, We may cause further to be done thereupon for correcting that error, what of right and according to law and custom of our realm of England ought to be done. Witness Ourselves at Westminster the day of in the of Our reign.

(Signed)

ESHER,

(Master of the Rolls).

Indorsement.

By Sir Richard Webster, Knight, Attorney-General for Our Lady the Queen.

No. 127.

RECOGNISANCE TO PROSECUTE WRIT OF ERROR.

Be it remembered, that on the day of 188 , *T.H.*, late of , in the county of , but now a prisoner in the custody of [the gaoler of Her Majesty's prison at , in and for the county of], and *H.K.*, of , [merchant,] and *F.S.*, of , [farmer,] come before me [one of her Majesty's Justices of the peace for the county of

(or as the case may be)], and acknowledge to owe to our Sovereign Lady the Queen the several sums following ; that is to say, the said *T.H.* the sum of pounds, and the said *H.K.* and *F.S.* the sum of pounds each, of lawful money of Great Britain, to be levied upon their several goods and chattels, lands and tenements, to Her Majesty's use, upon condition that the said *T.H.* do prosecute with effect a writ of Error [or Appeal to the House of Lords ; or, if writ not obtained, any writ of Error which may hereafter be] issued to reverse the judgment given against the said *T.H.* at [the last general quarter sessions of the peace in and for the county, holden at on or as the case may be], upon an indictment for certain misdemeanours, and personally to appear in the Queen's Bench Division of Her Majesty's High Court of Justice [or in Her Majesty's Court of Appeal] on the day whereon judgment shall be given upon the said writ of Error. And also, if so ordered by the said last-mentioned Court or by a Judge thereof, four days' notice being given either to the said *T.H.* or his solicitor, or to the bail personally, or by leaving the same at his or their last known place of abode, on the days and times appointed for any proceedings upon the said writ of Error, and so from day to day, and not to depart that Court without leave, and forthwith to render the said *T.H.* to prison according to the said judgment, in case the said judgment shall be affirmed, then this recognisance to be void or else to remain in full force.

Taken, &c.

No. 128.

AFFIDAVIT FOR HABEAS CORPUS TO ASSIGN ERRORS.

In the High Court of Justice,
Queen's Bench Division.

(Lincolnshire).

A.B., Plaintiff in Error,
against

The Queen, Defendant in Error.

I, *C.D.*, of , make oath and say :—

1. That at [the general quarter sessions of

the peace], held at in and for the county of , *A.B.* was convicted upon an indictment against him for and sentenced by the said Court of [quarter sessions], to be [imprisoned, or as the case may be].

2. That a writ of Error has been granted by the Attorney-General, and issued, returnable in this Court on the day of 188 ,

3. That the said *A.B.* is now in custody of the gaoler of the prison at [as the case may be]. And that it is necessary that the said *A.B.* should be brought before this honourable Court in order that he may assign errors on the return of the said writ.

Sworn, &c.

No. 129.

ASSIGNMENT OF ERRORS.

[Heading as in No. 128.]

And now, that is to say, on the day of , in the year of our Lord one thousand eight hundred and eighty-six, before our said Lady the Queen, at the Royal Courts of Justice, London :

Comes the said *A.B.* [in his own proper person], or, by [*C.D.*, his solicitor], and says, that in the record and proceedings aforesaid, and also in the giving of the judgment against the said *A.B.*, there is manifest error in this, to wit :—That [here set out the first cause of error] therefore in that there is manifest error. There is also error in this, to wit :—That [set out the second cause of error, and so on, specifying all the assignments of error, commencing and concluding each assignment in the same form as above ; and lastly, as general assignments, may be added as follows] : There is also error in this, to wit : That the indictment and proceedings aforesaid and the matters therein contained are not sufficient in law to warrant the said judgment so given against the said *A.B.*, or to convict him of the trespasses, contempts, nuisances, or offences aforesaid [as the case may be], or any or either of them, therefore in that there is manifest error. There is also error in this, to wit : That the judgment aforesaid in form aforesaid is given for our said Lady the Queen. Whereas the said judgment by the law of this realm ought to have been given against our said Lady the Queen and for the said *A.B.*, therefore in that there is manifest error, and the said *A.B.* prays that the judgment aforesaid for the said errors, and other errors appearing in the record and proceedings afore-

said may be reversed, annulled, and wholly held for nothing, and that he may be restored to all things which by reason of the judgment and proceedings aforesaid he has lost.

(Signed) X. Y.

No. 130.

JOINDER IN ERROR.

[*Heading as in No. 128.*]

And Frederick Cockburn, Esquire, Coroner and Attorney of our said Lady the Queen, in the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, who for our said Lady the Queen in this behalf prosecutes, being present here in Court and having heard the matters aforesaid above assigned for error in manner and form aforesaid for our said Lady the Queen, says, that neither in the record and proceedings aforesaid nor in the giving of judgment aforesaid is there any error, therefore the said Coroner and Attorney of our said Lady the Queen, for our said Lady the Queen, prays that the Court now here may proceed to examine as well the record and proceedings aforesaid and the judgment thereon given as aforesaid, as the matters above assigned and alleged for error, and that the judgment aforesaid may in all things be affirmed.

No. 131.

ENTRY OF JUDGMENT OF AFFIRMANCE ON WRIT OF ERROR.

Whereupon the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, now here having seen and fully understood all and singular the premises aforesaid, and having examined and inspected as well the record and proceedings aforesaid, and the judgment thereon given as aforesaid, as the matter above assigned and alleged for error, it appears to the Court here, that neither in the record and proceedings aforesaid, nor in giving the judgment aforesaid, is there any error. Therefore, it is considered and adjudged by the said Court here that the said judgment be in all things affirmed.

No. 132.

ENTRY OF REVERSAL OF JUDGMENT ON WRIT OF ERROR.

[*As in form 131 to the words "it appears"*] to the said Court here, that in the record and proceedings aforesaid, and also in giving the

judgment aforesaid, there is manifest error. Therefore, it is considered and adjudged by the said Court here, that the judgment aforesaid for the errors aforesaid, and for other errors, appearing on the record and proceedings aforesaid, be reversed, annulled, and altogether held for nothing. And that the said *T.B.* be restored to all things which by reason of the judgment and proceedings aforesaid he has lost, and that he depart hence without day in this behalf.*

* In misdemeanour when the judgment of the Court below is amended, vary this form accordingly.

No. 133.

ENTRY OF JUDGMENT FOR WANT OF JOINDER IN ERROR.

Whereupon all and singular the premises being seen and fully understood by the Queen's Bench Division of Her Majesty's High Court of Justice now here, for that no one comes on behalf of our said Lady the Queen further to inform the Court here of the premises, or to join in error with the said *A.B.*, it is considered and adjudged by the said Court here that the record and proceedings aforesaid, and the judgment thereupon given, for the errors assigned, and for other errors appearing in the said record and proceedings, be reversed and annulled, and that the said *A.B.* be restored to all that he has lost on occasion of the said judgment, and that he depart hence without day in this behalf.

No. 134.

ATTORNEY-GENERAL'S FIAT FOR WRIT OF ERROR ON INFORMATION, OR INDICTMENT, IN QUEEN'S BENCH DIVISION, &c.

[*Here insert name of county.*] Let a writ of Error on behalf of *E.Y.*, issue directed to the Right Honourable John Duke Baron Coleridge, Lord Chief Justice of England, and the Honourable the other Justices of Her Majesty's High Court attached to the Queen's Bench Division, upon a certain information [*or indictment*] filed in the said Queen's Bench Division, against the said *E.Y.* for certain misdemeanours whereof he is impeached [*or indicted*] and by a jury of the county aforesaid [*or for want of a sufficient plea*] convicted, as it is said. And whereupon judgment has been pronounced against him.

Dated, &c.

No. 135.

WRIT OF ERROR ON INFORMATION FILED, OR
INDICTMENT FOUND, IN QUEEN'S BENCH
DIVISION.

VICTORIA, by the Grace of God, &c.

To Our right trusty and well-beloved John Duke Baron Coleridge, Our Chief Justice of England, the President, and others Our Justices of Our High Court attached to the Queen's Bench Division of Our said High Court, greeting: Forasmuch as in the record and proceedings and also in the giving of judgment upon a certain information exhibited in [or upon a certain indictment found and filed in *] Our said Court before us against *J. W.*, for certain [misdemeanours], whereupon by a jury of the [county of Middlesex] taken between Us and the said *J. W.* before [you the said John Duke Baron Coleridge, Our Chief Justice aforesaid] [or if before some other Judge here insert his name] he is convicted, as it is said, manifest error has intervened to the great damage of the said *J. W.*, as by his complaint We are informed. We, therefore, being willing that the said error (if any there be) be duly amended, and full and speedy justice done to the said *J. W.* in this behalf, do command you that if judgment be given thereupon, then you send to Us distinctly and openly forthwith under your seal, or the seal of one of you, to Our Lords Justices of Appeal in Our Court of Appeal, a transcript of the record and proceedings of the information [or indictment] aforesaid, with all things touching the same and this writ, that the said transcript and proceedings being inspected, viewed, and examined by Our Lords Justices of Appeal aforesaid, they may cause further to be done thereupon what of right and according to the law and custom of England shall be meet to be done. Witness Ourselves at Westminster the day of

in the year of Our reign.

(Signed)

ESHER

(Master of the Rolls).

Indorsement as in No. 126.

**If the writ of Error be upon an indictment removed by Certiorari:—*

upon a certain indictment against *A. B.* for certain [misdemeanours] whereof before Our keepers of the peace and Justices assigned to hear and determine divers crimes, trespasses, and other offences committed in Our county of at the general quarter sessions of the peace held in and for the said county on the day of he was indicted, and which said indictment We afterwards for certain reasons caused to be

brought before Us in the Queen's Bench Division of Our High Court of Justice to be determined according to the law and custom of England. Whereupon, &c.

**If the writ of Error be upon a judgment affirming on error the judgment of an Inferior Court:—*

upon a certain indictment against *A. B.* for certain [misdemeanours] whereof before Our keepers of the peace and Justices assigned to hear and determine divers crimes, trespasses, and other offences committed in Our county of at the general quarter sessions of the peace held in and for the said county on the day of in the year of Our Lord, &c., he was indicted, and by a jury of the said county convicted, and by reason of an alleged error the record and proceedings were removed into the said Queen's Bench Division, where the judgment aforesaid was affirmed, as it is said manifest error has thereby intervened to the great damage of the said *A. B.* as by his complaint We are informed.

No. 136.

MEMORANDUM OF ALLOWANCE OF WRIT OF
ERROR.

In the High Court of Justice,
Queen's Bench Division.

Middlesex.—The Queen
against
A. B.

I have allowed a writ of Error in this pro-
secution this day of 188 .

(Signed) *C. D.*

[Title of Officer.]

No. 137.

STATEMENT OF SOME PARTICULAR GROUND OF
ERROR TO BE ENGROSSED ON COPY OF ABOVE
FOR SERVICE.

One of the grounds of error intended to be
argued is [here state particulate ground].

No. 138.

WRIT OF FIERI FACIAS ON ORDER FOR COSTS.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting: We command you that of the goods and chattels of *A. B.* in your bailiwick, you cause to be made the sum of for certain

costs which by an order of the Queen's Bench Division of Our High Court of Justice, dated the day of , 188 , were ordered to be paid by to and which have been taxed and allowed at the said sum, as appears by the allocatur of one of the Taxing Masters, together with interest on the said sum at the rate of 4l. per centum per annum from the day of 188 ,* and that you have the said money before Us in Our said Court immediately after the execution hereof to be rendered to the said for his costs as aforesaid, and how you shall have executed this Our writ then and there make known to Us in Our said Court immediately after the execution thereof, and have then there this Our writ.

Witness, &c.

To be indorsed.

Levy £ and £ for costs of execution, &c., and also interest on £ at 4l. per centum per annum, from the day of , 188 , until payment, besides sheriff's poundage, officers' fees, costs of levying, and all other legal incidental expenses.

This writ was issued by M.N., of L., agent for G.H., of Y., solicitor for who resides at .

The within named A.B. is a , and resides at in your bailiwick.

* Date of judgment or order.

No. 139.

WRIT OF FIERI FACIAS ON JUDGMENT WITH ORDER FOR COSTS.*

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting: We command you that of the goods and chattels of in your bailiwick you cause to be made the sum of and also interest thereon at the rate of 4l. per centum per annum from the † day of , 188 , which said sum of money and interest were lately before Us, in the Queen's Bench Division of Our High Court of Justice, in a certain ‡ wherein A.B. is the prosecutor [or as the case may be] and C.D. the defendant, by a § of Our said

* This writ must be so moulded as to follow the substance of the order or judgment.

† Date of judgment or order.

‡ Indictment, information (in the nature of a quo warranto), action of mandamus, or matter there depending, intitled "In the matter of, &c.," or as the case may be.

§ "Judgment," or "order."

Court, bearing date the day of , 188 ,|| to be paid by the said to for costs in the said § mentioned, and which costs have been taxed and allowed at the sum of as appears by the allocatur of one of the Taxing Masters, dated the day of , 188 . And that you have that money and interest before Us in Our said Court immediately after the execution hereof, to be paid to the said in pursuance of the said § ; and in what manner you shall have executed this Our writ make known to Us in Our said Court immediately after the execution thereof. And have there then this writ.

Witness, &c.

Indorsement as in No. 138.

|| "Adjudged," "awarded," or "ordered."

No. 140.

WRIT OF FIERI FACIAS ON AN ORDER OF QUARTER SESSIONS REMOVED INTO THE CROWN SIDE OF THE QUEEN'S BENCH DIVISION.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting: We command you that of the goods and chattels of C.D. in your bailiwick you cause to be made the sum of [50l.] for certain costs which by an order of the general quarter sessions of the peace holden in and for the said county of on the day of made in a certain appeal wherein A.B. was appellant, and the said C.D. was respondent, were adjudged to be paid by the said C.D. to the said A.B., and which order of quarter sessions was afterwards on the day of , removed into the Queen's Bench Division of Our High Court of Justice by virtue of an order of the Honourable Mr. Justice , made the day of , 188 , in pursuance of the statute in such case made and provided, and the costs attendant upon the application for the said last-mentioned order, and upon the said removal were on the day of , 188 , taxed and allowed at the sum of [9l.], as appears by the allocatur of one of the Taxing Masters dated the day of , 188 , and We further command you that of the goods and chattels of the said C.D. in your bailiwick you further cause to be made the said sum of [9l.] together with interest at the rate of 4l. per centum per annum from the said day of ; and that

* The date of the order.

you have that money and interest before Us in Our said Court immediately after the execution hereof, to be paid to the said *A.B.* in pursuance of the said orders. And in what manner you shall have executed this Our writ make known to Us in Our said Court immediately after the execution thereof, and have then there this writ.

Witness, &c.

No. 141.

WRIT OF ELEGIT.

VICTORIA, by the Grace of God, &c.

To the sheriff of , greeting :

Whereas, lately in the Queen's Bench Division of Our High Court of Justice, in a certain* wherein *A.B.* is† and *C.D.* is defendant, by a‡ of Our said Court, made in the said and bearing date the day of , 188 , it was§ that the said should pay unto certain costs as in the said‡ mentioned, and which costs have been taxed and allowed at the sum of £ as appears by the allocatur of one of the Taxing Masters dated the day of , 188 .

And afterwards the said came into Our said Court, and according to the statute in such case made and provided chose to be delivered to him all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyholds or customary tenure in your bailiwick, as the said , or any one in trust for him, was seized or possessed of on the|| day of , or at any time afterwards or over which the said on the said day of , 188 , or at any time afterwards had any disposing power which he might, without the assent of any other person, exercise for his own benefit to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively according to the nature and tenure thereof to

him and to his assigns, until the said sum of £ ¶ together with interest upon the said sum at the rate of 4l. per centum per annum from the|| day of shall have been levied.

Therefore We command you that without delay you cause to be delivered to the said by a reasonable price and extent all such lands and tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure in your bailiwick as the said , or any person or persons in trust for him, was or were seized or possessed of, on the said|| day of or at any time afterwards or over which the said on the said|| day of or at any time afterwards had any disposing power which he might, without the assent of any other person, exercise for his own benefit, to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively according to the nature and tenure thereof, to him and to his assigns, until the said two several sums and interest as aforesaid shall have been levied. And in what manner you shall have executed this Our writ make known to Us in Our Court aforesaid immediately after the execution thereof, under your seal and the seals of those by whose oath you shall make the said extent and appraisalment. And have there then this writ.

Witness, &c.

To be indorsed.

Levy £ and £ for costs of execution, besides costs of inquisition (if any) ; and also interest on £ at 4l. per centum per annum from the day of , 188 , until payment, besides sheriff's poundage, officer's fees, costs of levying, and all other legal incidental expenses.

This writ was issued by *M.N.*, of *L.*, agent for *G.H.*, of *Y.*, solicitor for who resides at .

The within named *A.B.* is a and resides at in your bailiwick.

¶ Costs.

No. 142.

OTHER WRITS OF EXECUTION.

When required, the Forms in Appendix H. to the Rules of the Supreme Court may be adapted with the necessary alterations.

* Indictment, information (in the nature of a quo warrant), action of mandamus, or matter there depending, intituled "In the matter of, &c.," or as the case may be.

† Prosecutor, Relator, Plaintiff, or Appellant, as the case may be.

‡ "Judgment" or "order."

§ "Adjudged," "awarded," or "ordered."

|| Date of judgment or order.

No. 143.

WRIT OF LEVARI FACIAS AGAINST INHABITANTS, &C., UPON CONVICTION AND FINE.

VICTORIA, by the Grace of God, &c.

To the sheriff of _____, greeting :
Whereas sometime, that is to say, on the _____ day of _____, 188____, at [the assizes, &c. Here recite the caption of the indictment] by the oath of twelve jurors, good and lawful men of the said county of _____ then and there sworn and charged to enquire for Us and the body of the said county.

It was presented as follows, that is to say :
[Set out the indictment.]

Which said indictment we afterwards, for certain reasons, caused to be brought before Us, to be determined according to the law and custom of England, and such proceedings were thereupon had in Our Court before Us, upon the said indictment, that the inhabitants of the said parish of _____

by a jury of the country, taken between Us and the said inhabitants, stand convicted of the trespasses and nuisances above specified, and charged upon them, in and by the said indictment, in manner and form as in and by the said indictment is alleged against them ; and whereas it has thereupon been considered and adjudged in the Queen's Bench Division of Our High Court of Justice before Us, that the inhabitants of the said parish, for their offences aforesaid, should pay a fine of £ _____ of lawful money of Great Britain [according to the order of Court for fine], and that such fine should be paid into the hands of _____ of _____, to be by him applied, pursuant to the directions of the statute in such case made and provided, as in Our said Court, before Us, it appears upon record. We therefore command you, that of the goods and chattels, lands and tenements of the said inhabitants of the said parish of _____ you levy, and cause to be levied, the said sum of £ _____, being the fine so imposed upon them, in Our said Court, before Us, for their said offences whereof they are indicted and convicted, as aforesaid, and that you pay the said fine, when levied, into the hands of the said _____, to be by him applied to the

repair of the said several highways, so, as aforesaid, in decay and out of repair, pursuant to the directions of the statute in such case made and provided ; and how you shall have executed this Our writ make known to Us in Our said last-mentioned Court immediately after the execution thereof. And have then there this writ.

Witness, &c.

This writ was issued by _____.

No. 144.

WRIT OF CAPIAS AD SATISFACIENDUM AFTER JUDGMENT.

VICTORIA, by the Grace of God, &c., to the sheriff of _____, greeting : We command you that you take A.B., if he shall be found in your bailiwick, and him safely keep, so that you may have his body before Us in the Queen's Bench Division of Our High Court of Justice, on the _____ day of _____, 188____, to satisfy Us concerning his redemption by reason of certain _____ whereof he is indicted, and thereupon by a jury of the country taken between Us and the said A.B. [or by his own default or confession] he stands convicted, as in Our said Court, before Us, it appears upon record. And have you then there this writ.

Witness, &c.

No. 145.

WRIT OF FIERI FACIAS FOR A FINE.

VICTORIA, by the Grace of God, &c., to the sheriff of _____, greeting : We command you that of the goods and chattels, lands and tenements of A.B., you cause to be levied _____ pounds, imposed upon him in the Queen's Bench Division of Our High Court of Justice before him for his fine, for certain _____ whereof he is impeached [or indicted], and thereupon, by a certain jury of the country [or by his own default, or confession], he stands convicted, as in Our Court before Us it appears upon record. And that you have the said money before Us in Our said Court immediately after the execution thereof, to satisfy Us for the said fine. And that you then have there this writ.

Witness, &c.

No. 146.

WRIT OF DISTRINGAS AGAINST INHABITANTS AFTER CONVICTION FOR NOT REPAIRING A HIGHWAY.

VICTORIA, by the Grace of God, &c., to the sheriff of _____, greeting : Whereas some time ago, that is to say, on, &c., at, &c., before, &c. [recite the caption and the indictment], which said indictment We did afterwards, for certain reasons, cause to be brought before Us in the Queen's Bench Division of the High Court of Justice to be determined according to the law and custom of England. And whereas afterwards

such proceedings were had in Our said Court before Us on the said indictment, that the inhabitants of the said by a certain jury of the country taken between Us and the said inhabitants [or by their own default] stand convicted of the nuisances above mentioned and specified and charged upon them in the indictment aforesaid, in manner and form as in and by the said indictment is above alleged against them. And whereas thereupon it has been considered and adjudged by Our said Court before Us that the said inhabitants of should be distrained for the nuisances aforesaid, as in Our said Court before Us it appears upon record. We therefore command you that you distrain the inhabitants of the parish aforesaid in your said county by all their lands and chattels in your bailiwick, so that neither they nor any one for them do put their hands to the same until you shall have another command from Us for that purpose. And that you answer to Us for the issues thereof, so that they, the inhabitants of the said parish, may, at their own proper costs and charges, well and sufficiently repair and amend that part of the said common and ancient Queen's highway so out of repair as aforesaid, if before it shall not be repaired and amended by them. And how you shall execute this Our writ make known to Us in Our said last-mentioned Court immediately after the execution thereof. And have then there this writ.

Witness, &c.

No. 147.

WRIT OF ABATEMENT ON NOCUMENTO AMOVENDO.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting: Whereas, on the day of , at , &c. [*recite the caption of the indictment and the indictment*]. Which said indictment We afterwards, for certain reasons, caused to be brought before Us in the Queen's Bench Division of Our High Court of Justice, to be determined according to the law and custom of England. And whereas thereupon afterwards, that is to say, at the assizes holden at in and for the county of , on the day of , 188 , before and Justices, &c., upon the trial of the issue joined between Us and the said R. W., he, the said R. W., was in due manner convicted of the matters contained in the said indictment, in manner and form as in and by the said indictment was alleged against him, as in the

said Queen's Bench Division before Us it more fully appears upon record. Whereupon, on the day of , 188 , it was adjudged and ordered by Our said Court before Us, that the said R. W., for the nuisances aforesaid charged upon him by the said indictment, whereof he was so convicted as aforesaid, should pay a fine of . And that such nuisances should be abated as in Our said Court before us it also appears upon record. We therefore command you, that the said so erected and built upon the said highway, at the parish of , in the said county of , and so as aforesaid continued, as in the said indictment mentioned, you do without delay remove, or cause to be removed. And how you shall execute this Our writ, make known to Us in Our said Court immediately after the execution thereof, and have then there this writ. Witness, &c.

No. 148.

WRIT OF RESTITUTION.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting: Whereas some time ago, that is to say, on [*copy the caption of the indictment and the indictment*] which said indictment We did afterwards, for certain reasons, cause to be brought before Us in the Queen's Bench Division of Our High Court of Justice, to be determined according to the law and custom of England. And whereas such proceedings were afterwards had in Our said Court before Us, upon the said indictment that the said by a jury of the country taken between Us and the said stands convicted of the premises in the indictment above specified and charged upon him, in manner and form as in and by the said indictment is within alleged against him, as in Our said Court before Us it appears upon record. We, therefore, being willing that due and speedy justice should be done in the premises, do command you that you cause to be resealed and restored to the said the aforesaid messuage, with the appurtenances, situate in the parish of , in the said indictment specified. And that you do, without delay, cause the said to be put into full possession thereof. And how you shall have executed this Our writ, make known to Us in Our said Court immediately after the execution thereof. And have then there this writ.

Witness, &c.

No. 149.

WRIT OF LEVARI FACIAS ON CONVICTION
AFFIRMED.

VICTORIA, by the Grace of God, &c.

To the sheriff of _____, greeting :
Whereas *I.G.* was heretofore, to wit, on
the _____ day of _____, 188 _____, at
_____, on the complaint of _____,
convicted by and before [*here recite the con-
viction*]. And whereas the said *I.G.* having
appealed to the then next General Quarter
Sessions of Our peace, holden at
in and for Our said county of _____,
against the record of the said conviction,
the same was by the Court of General
Quarter Sessions aforesaid rectified and con-
firmed. And whereas the said record of
conviction, and the proceedings had thereon
as aforesaid, were afterwards, by virtue of
Our writ of certiorari issued in that behalf,
brought before Us in the Queen's Bench
Division of Our High Court of Justice that
we might cause further to be done thereon
what of right and according to the law
and custom of England We should see fit
to be done as appears to Us of record. And
thereupon it was considered and adjudged
by Our said Court before Us that the said
record of conviction, and also the said order
so made by the said Court of Quarter Ses-
sions as aforesaid, should be affirmed, as in
Our said Court before Us it also appears on
record. We therefore command you, that
of the goods and chattels, lands and tene-
ments of the said *I.G.* in your bailiwick you
cause to be levied the sum of _____ so
adjudged to have been forfeited as aforesaid
by the said *I.G.*, and that you have the said
money before Us in Our said Court at the
Royal Courts of Justice, London, immedi-
ately after the execution of this Our writ, to
go and be applied according to the directions
of the statute in such case made and pro-
vided. And have then there this writ.

Witness, &c.

To be indorsed By order of Court.

No. 150.

SECOND WRIT OF LEVARI FACIAS ON CON-
VICTION AFFIRMED FOR RESIDUE WHERE
PART LEVIED.

VICTORIA, by the Grace of God, &c.

To the sheriff of _____, greeting :
Whereas [*here recite the conviction as in the
first writ (No. 149), and the first writ and
return*]. As by the return of the [*then*]
sheriff to the said writ of Levari Facias in
Our said Court before Us, it also appears

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upon record. We therefore command you
that of the goods and chattels, lands and
tenements of the said _____ in your
bailiwick, you cause to be levied the sum of
_____, residue of the said sum of _____
so adjudged to have been forfeited as afore-
said by the said _____, and that you
have the said sum of _____, residue of
the said sum of _____, before Us in Our
said Court at the Royal Courts of Justice,
London, immediately after the execution of
this Our writ to go [*&c., as in No. 149*].

No. 151.

WRIT OF SUBPENA AD TESTIFICANDUM OR
DUCES TECUM; GENERAL FORM.

VICTORIA, by the Grace of God, &c., to
_____ and to every of them, greeting :
We command you and every of you, that,
laying aside all excuses and pretences what-
soever, you and every of you personally be
and appear before _____ on the
_____ day of _____ instant [*or next*] at
the hour of _____ in the _____ noon
at _____ in Our said _____, there to
testify the truth and give evidence.

* And this you or any of you are not to
omit, under the penalty of one hundred
pounds, to be levied on the goods and
chattels, lands and tenements, of such of
you as shall fail herein.

Witness, &c.

* *If duces tecum, here add :* And that you
or such of you in whose custody or power
the same be do bring with you and produce
before [Our Justice or Justices] aforesaid
[*here describe the document, &c.*].

To be indorsed.

This writ was issued by *M.N.*, of *L.*,
agent for *G.H.*, of *Y.*, solicitor for the pro-
secutor [or defendant].

No. 152.

WRIT OF SUBPENA BEFORE GRAND JURY IN
THE QUEEN'S BENCH DIVISION.

VICTORIA, by the Grace of God, &c., to
_____ and to every of them, greeting :
We command you and every of you, that,
laying aside all excuses and pretences what-
soever, you and every of you personally be
and appear before Us in the Queen's Bench
Division of Our High Court of Justice on
the _____ day of _____ instant
[*or next*] at the hour of _____ in the
forenoon at the Royal Courts of Justice,

I

London, there to testify the truth and give evidence to and before the Grand Jury of and for Our said county of Middlesex on Our behalf against upon an indictment for certain misdemeanours [or felonies]. And this you or any of you are not to omit, under the penalty of one hundred pounds, to be levied on the goods and chattels, lands and tenements of such of you as shall fail herein.

Witness, &c.

No. 153.

WRIT OF SUBPENA AT SITTINGS OF HIGH COURT.

VICTORIA, by the Grace of God, &c., to and to every of them, greeting: We command you and every of you, that, laying aside all excuses and pretences whatsoever, you and every of you personally be and appear at the [Hilary, or as the case may be] Sittings of the Queen's Bench Division of Our High Court of Justice to be holden at the Royal Courts of Justice, London, on the day of at the hour of in the forenoon of the same day, and so from day to day during the said sittings until the indictment [or information] hereinafter mentioned is tried, there to testify the truth and give evidence, [if for prosecution on Our behalf against A.B. If for the defence between Us and A.B.], upon an indictment [or information] for felony [or misdemeanour] [and if for defence add: on behalf of the defendant], and so from day to day during the said sittings until the above indictment [or information] is tried.

And this you or any of you are not to omit, under the penalty of one hundred pounds, to be levied on the goods and chattels, lands and tenements of such of you as shall fail herein.

Witness, &c.

* *If duces tecum, here add:* And that you or such of you in whose custody or power the same be do bring with you and produce before Our Chief Justice aforesaid [here describe the document, &c.].

No. 154.

WRIT OF SUBPENA AT ASSIZES ON THE CIVIL SIDE.

VICTORIA, by the Grace of God, &c., to and to every of them, greeting: We command you and every of you, that, laying aside all excuses and pretences what-

soever, you and every of you personally be and appear before Our Justices assigned to hold the assizes in and for Our [county] of on the day of at the hour of in the forenoon, at in Our said county, there to testify and give evidence [as in No. 153, substituting assizes for sittings].

No. 155.

WRIT OF SUBPENA ON TRIAL OF ISSUES ON QUO WARRANTO INFORMATION.

[As in No. 153 or No. 154.]

But instead of "upon an indictment for," say: Upon an information in the nature of a Quo Warranto exhibited against him the said in the [said] Queen's Bench Division of Our High Court of Justice before Us, to shew by what authority he claims to be whereof he is impeached.

No. 156.

WRIT OF SUBPENA ON TRIAL OF ISSUE ON MANDAMUS.

[As in No. 153 or No. 154.]

And after the word "evidence" insert:— between the Queen on the prosecution of A.B., Plaintiff, and C.D. and E.F., &c. Defendants, upon the trial of certain issues joined between the said parties, upon the return to Our writ of Mandamus lately issued out of the [said] Queen's Bench Division of Our High Court of Justice directed to the said commanding them [or him] to [here shortly set out mandatory part of writ] on behalf of the Plaintiff [or Defendant].

No. 157.

WRIT OF SUBPENA AT ASSIZES IN THE CROWN COURT.

VICTORIA, by the Grace of God, &c., to and to every of them, greeting: We command you and every of you, that, laying aside all excuses and pretences whatsoever, you and every of you personally be and appear before * Our Justices of oyer and terminer, and general gaol delivery,† and Justices assigned to hold the assizes in and for Our [county] of on the day of at the hour of in the forenoon, at in Our said [county], there to testify the truth, and give evidence [if for the prosecution] on Our behalf against A.B., [or if for defence

between Us and *A.B.*] upon an indictment for felony [*or misdemeanour*] on behalf of the Defendant [*if so*], and so from day to day during the said assizes until the above cause is tried.

And this you or any of you are not to omit under the penalty of one hundred pounds to be levied on the goods and chattels, lands and tenements, of you or such of you as shall fail herein.

Witness, &c.

* *Or if before the Grand Jury, before the Grand Jury of and for Our said county, on Our behalf against A.B. upon an indictment for felony [or misdemeanour], and also upon the trial of the said A.B. for the said offence.*

† *If for winter or spring assize counties, say: In and for Our winter [or spring] assize county, No. [seventeen] and omit "and justices assigned, &c."*

No. 158.

WRIT OF SUBPENA AT CENTRAL CRIMINAL COURT.

VICTORIA, by the Grace of God, &c., to and to every of them, greeting: We command you and every of you, that, laying aside all excuses and pretences whatsoever, you and every of you personally be and appear before Our Justices of oyer and terminer and gaol delivery, at the sessions of oyer and terminer and gaol delivery, to be holden for the jurisdiction of the Central Criminal Court, at Justice Hall in the Old Bailey, in the suburbs of Our City of London, on the day of at the hour of in the forenoon of the same day, there to testify the truth and give evidence [*as in No. 157*].

No. 159.

WRIT OF SUBPENA AT QUARTER SESSIONS.

VICTORIA, by the Grace of God, &c., to and to every of them, greeting: We command you and every of you, that, laying aside all excuses and pretences whatsoever, you and every of you personally be and appear before * the keepers of Our peace and Our Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within Our county of at the general quarter sessions of the peace to be held on the day of at the hour of in the forenoon of the same day, at in

Our said county, there to testify the truth and give evidence [*as in No. 157*].

* *If city or borough sessions before D.K., Esquire, recorder of Our borough of in the county of , Our Justice assigned, &c.*

No. 160.

WRIT OF SUBPENA AT QUARTER SESSIONS IN APPEAL CASES.

VICTORIA, by the Grace of God, &c., to and to every of them, greeting: We command you and every of you, that laying aside all excuses and pretences whatsoever, you and every of you personally be and appear before the keepers of Our peace and Our Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within Our county of at the general quarter sessions of the peace, to be held on the day of at the hour of in the forenoon of the same day, at in Our said county, there to testify the truth and give evidence upon an appeal Between

[*The*]

- Appellants,

and

[*The*]

- Respondents.

Touching [*the last place of legal settlement of A.B., a poor person chargeable to the Poor Law Union*] on behalf of the Appellants [*or Respondents*].

Penalty as in 157.

Witness, &c.

No. 161.

WRIT OF SUBPENA BEFORE JUSTICES AT PETTY SESSIONS.

VICTORIA, by the Grace of God, &c., to and to every of them, greeting: We command you and every of you, that laying aside all excuses and pretences whatsoever, you and every of you personally be and appear before such of the keepers of Our peace and Our Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within Our county [*or city, or borough, &c.*] of , as may be in attendance at a petty sessions of the peace to be held on the day of at the hour of in the noon of the same day, at in Our said county [*or city, or borough, &c.*] there to testify the truth and give evidence [*if for Complainant or criminal charge,**] on Our behalf against [*if for Defendant between*

Us and] *A.B.* upon a charge of felony [or misdemeanour, or for certain offences against the statute made for] on behalf of the defendant [if so] and so from day to day until the said charge [or matter] is disposed of.†

And this you or any of you are not to omit, under the penalty of one hundred pounds, to be levied on the goods and chattels, lands and tenements of such of you as shall fail herein.

Witness, &c.

* *In other than criminal matters the nature of the case must be shortly stated, as for instance: There to testify the truth and give evidence upon an application to be then and there made by A.B. for an order in bastardy against C.D. on behalf of the said A.B. [or C.D.].*

† *If duces tecum add: And that you or such of you in whose custody or power the same be do bring with you and produce before Our Justices aforesaid [here describe the document, &c.].*

No. 162.

WRIT OF SUBPENA BEFORE A METROPOLITAN POLICE MAGISTRATE.

[As in No. 161, substituting the following direction.]

personally be and appear before *T.B.*, Esquire, one of the magistrates of the police courts of the metropolis, sitting at the police court in the county of , and within the Metropolitan Police District, or such other magistrate of the said police courts as may then and there be present on the day of at the hour of in the noon, there, &c.

No. 163.

WRIT OF SUBPENA BEFORE A STIPENDIARY MAGISTRATE.

[As in No. 161, substituting the following direction.]

before *T.K.*, Esquire, stipendiary magistrate for the of , or such other of the keepers of Our peace and Our Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within Our of as may be in attendance at a petty session of the peace, to be held on the day of at the hour of in the forenoon of the same day, at in Our said , there to testify the truth and give evidence, &c.

No. 164.

WRIT OF SUBPENA BEFORE LORD MAYOR OF LONDON AT MANSION HOUSE.

[As in No. 161, substituting the following direction.]

before the Right Honourable John Staples, Lord Mayor of Our City of London, being one of the keepers of Our peace and Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within our said City of London and the liberties thereof, or such other Justice or Justices of the peace of the said city as may then and there be present on the day of at the hour of in the forenoon of the same day, at the Mansion House Justice Room, within the said city, there, &c.

No. 165.

WRIT OF SUBPENA BEFORE AN ALDERMAN AT THE GUILDHALL, LONDON.

[As in No. 161, substituting the following direction.]

before Sir R. C., Knight, one of the aldermen of Our City of London, being one of the keepers of Our peace and Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within the said City of London and the liberties thereof, or such other Justice or Justices of the peace of the said city as may then and there be present on the day of , at the hour of in the forenoon of the same day, at the Guildhall Justice Room, within the said city, there, &c.

No. 166.

WRIT OF SUBPENA AD TEST, BEFORE A JUSTICE OF THE PEACE.

VICTORIA, by the Grace of God, &c., to and to every of them, greeting: We command you and every of you, that, laying aside all excuses and pretences whatsoever, you and every of you personally be and appear before , Esquire, one of the keepers of Our peace and Justices in and for Our county of , or such other Justice or Justices of the peace of the said county as may be then and there present, on the day of at the hour of in the noon, &c. [at the public office] at , in Our said county, there, &c.

No. 167.

WRIT OF SUBPENA AT GENERAL ANNUAL
LICENSING MEETING.

VICTORIA, by the Grace of God, &c., to
and to every one of them, greeting :
We command you and every of you, that
laying aside all excuses and pretences what-
soever, you and every of you personally be
and appear before such of the keepers of the
peace and Justices assigned to hear and de-
termine divers crimes, trespasses, and other
offences committed within Our of
as may be assembled at the general
annual licensing meeting to be holden [by
adjournment, *if so*] for the division
of , in the county of ,
at , in our said county, on the
day of , at the hour of in the
forenoon of the same day, there to testify the
truth and give evidence touching an appli-
cation to be then and there made by
for [for the renewal of, *if so*] a licence to sell
[*here insert description of licence*] on behalf of
* And this you or
any of you are not to omit under the penalty
of one hundred pounds, to be levied on the
goods and chattels, lands and tenements of
such of you as shall fail herein. Witness, &c.

* *If duces tecum, add:* And that you or
such of you in whose custody or power the
same be, do bring with you and produce
before Our Justice or Justices aforesaid
[*here describe the document, &c.*]

No. 168.

WRIT OF SUBPENA AT SPECIAL LICENSING
SESSIONS.

VICTORIA, by the Grace of God, &c., to
and to every of them, greeting :
We command you and every of you, that,
laying aside all excuses and pretences what-
soever, you and every of you personally be
and appear before such of the keepers of Our
peace and Our Justices assigned to hear and
determine divers crimes, trespasses, and other
offences committed within Our [county] of
as may be in attendance at a
special sessions for licensing purposes to be
holden in and for the division of
Our said county, pursuant to the statutes in
that behalf, on , the day of
, at the hour of in noon
of the same day, there to testify the truth
and give evidence touching an application by
A.B. for a licence to [*here insert description*
of licence], on behalf of [*the said A.B., or as*

the case may be].*

And this you or
any of you are not to omit under the penalty
of one hundred pounds, to be levied on the
goods and chattels, lands and tenements of
such of you as shall fail herein. Witness, &c.

* *If duces tecum, add:* And that you or
such of you in whose custody or power the
same be, do bring with you and produce
before Our Justices aforesaid [*here describe*
the documents, &c.]

No. 169.

WRIT OF SUPERSEDEAS TO CERTIORARI AND
PROCEDENDO TO CARRY BACK INDICTMENT.

VICTORIA, by the Grace of God, &c., to
[*to be directed and varied as the Certiorari*],
and to every of them, greeting : Whereas by
Our writ we lately commanded you and every
of you, for certain reasons, that you should
forthwith send under your seals, or the seal
of one of you, before Us in the Queen's Bench
Division of Our High Court of Justice, at the
Royal Courts of Justice, London, all and sin-
gular indictments of whatsoever
whereof *A.B.* was indicted before you, as was
said, with all things touching the same, by
whatsoever name the said *A.B.* should be
called therein, together with the said writ to
you directed, that We might cause further to
be done thereon what of right and according
to the law and custom of England We should
see fit to be done. We do now, for certain
reasons, command you and every of you that
you do wholly supersede whatever is to be
done concerning the execution of that Our
said writ. And that you proceed to the de-
termination of the [offences] with that expe-
dition which to you shall seem right and
according to the law and custom of England,
notwithstanding Our writ as before sent to
you directed for that purpose. Witness, &c.

To be indorsed.

"By order of Court," or "By order of Mr.
Justice " [*as the case may be*].

This writ was issued by, &c.

No. 170.

WRIT OF SUPERSEDEAS TO CERTIORARI AND
PROCEDENDO TO CARRY BACK ORDERS OF
SESSIONS.

VICTORIA, by the Grace of God, &c., to
the keepers of Our peace and Our Justices
assigned to hear and determine divers crimes,

trespasses, and other offences committed within our county of _____, and to every of them, greeting: Whereas by Our Writ we have lately commanded you and every of you, or one of you, should forthwith send under your seals, or the seal of one of you, before Us, in the Queen's Bench Division of Our High Court of Justice at the Royal Courts of Justice, London, all and singular orders made by you or some of you, between the inhabitants of the parish of _____, in Our county of _____, appellants, and the inhabitants of the parish of _____, in Our county of _____, respondents, touching the settlement of _____, as fully and perfectly as they had been made by you or some of you, and then remained in the custody or power of you or any of you, together with that Our writ, that We might cause further to be done thereon what of right and according to the law and custom of England We should see fit to be done. We do, for certain reasons Us thereunto moving, command you that you do wholly supersede whatsoever is to be done concerning the execution of that Our said writ. And that you proceed upon the said orders, in such manner as if the said writ had not issued. Witness, &c.

Indorsement as in No. 169.

No. 171.

WRIT OF SUPERSEDEAS TO DISTRINGAS.

VICTORIA, by the Grace of God, &c., to the Sheriff of _____, greeting: Whereas A.B. has appeared in the Queen's Bench Division of Our High Court of Justice, to an indictment against him for certain misdemeanours [or felonies]. We therefore command you that you wholly supersede the distraining or otherwise molesting any longer the said A.B. on account of the premises aforesaid. And if you have distrained the said A.B., that then you do without delay deliver or cause to be delivered to him that which you have so distrained, if he be thereby distrained for the reasons aforesaid and no other, and this you are not to omit. Witness, &c.

[Supersedeas to other writs of like nature must be directed according to the writ to be superseded. The recital must shew a title to the supersedeas by stating that the Defendant has done that which the writ issued to compel him to do. And the mandatory part of the writ altered and varied according to the exigency of the case for which the same may be required.]

No. 172.

AFFIDAVIT VERIFYING CERTIFIED COPY OF COMMITMENT.

In the High Court of Justice,
Queen's Bench Division.

I, A.B., of, &c., make oath and say:—

1. That I was present at Her Majesty's prison at _____, in and for the county of _____, on the _____ day of _____, 188____, and did see C.D., the gaoler of the said prison, sign the certificate written at the foot of the copy of the commitment of _____ hereunto annexed, and that the name C.D., set and subscribed thereto, is of the proper handwriting of the said C.D.

Sworn, &c.

No. 173.

GAOLER'S CERTIFICATE TO BE WRITTEN AT FOOT OF COMMITMENT.

I do certify that the above is a true copy of the warrant by virtue of which E.F. is detained in my custody. And that the said E.F. is not detained for any other cause [if so].

(Signed)

X. Y.

(Gaoler of H.M. prison at, &c.).

[For the purpose of obtaining writs of Habeas Corpus to deliver and receive a prisoner, if it appears by the commitment that the prisoner must be tried in a different county or place than that in which he is detained, the above copy, commitment, certificate, and affidavit are sufficient to obtain the writs. But if that fact does not so appear, an affidavit to that effect must also be supplied.]

No. 174.

SUMMONS FOR WRIT OF HABEAS CORPUS AD SUBJICIENDUM.

In the High Court of Justice,
Queen's Bench Division.

The Honourable Mr. Justice _____,
Judge in Chambers.

Upon reading the several affidavits of, &c., filed the _____ day of _____, 188____, and upon hearing Mr. _____, of counsel [or the solicitor] for _____

It is ordered that all parties concerned attend the Judge in Chambers on the _____ day of _____, 188____, at the hour of _____ in the _____ noon, to shew cause why a writ of Habeas Corpus should not issue directed to _____ to have the body of _____ before a Judge in Chambers at the Royal Courts of Justice, London, forthwith to undergo, &c.

Dated, &c.

No. 175.

ORDER FOR WRIT OF HABEAS CORPUS AD SUBJICIENDUM.

In the High Court of Justice,
Queen's Bench Division.

The Honourable Mr. Justice
Judge in Chambers.

[*If in a cause on the Crown side, here insert the title, not otherwise.*]

Upon reading the several affidavits of, &c.,
filed the day of , 188 , and
upon hearing counsel [or the solicitors] on
both sides [*or as the case may be*].—

It is ordered that a writ of Habeas Corpus
issue, directed to to have the body
of A.B. before a Judge in Chambers at the
Royal Courts of Justice, London, forthwith
to undergo and receive, &c.

Dated, &c.

No. 176.

WRIT OF HABEAS CORPUS AD SUBJICIENDUM.

VICTORIA, by the Grace of God, &c., to
, greeting : We command you
that you have in the Queen's Bench Division
of Our High Court of Justice [or before a
Judge in Chambers] at the Royal Courts of
Justice, London, immediately after the re-
ceipt of this Our writ, the body of A.B. being
taken and detained under your custody as is
said, together with the day and cause of his
being taken and detained, by whatsoever
name he may be called therein, to undergo
and receive all and singular such matters and
things as Our said Court [or Judge] shall then
and there consider of concerning him in this
behalf ; and have you there then this Our
writ.

Witness,

To be indorsed.

By order of Court [or of Mr. Justice
].

This writ was issued by, &c.

No. 177.

NOTICE TO BE SERVED WITH WRIT OF
HABEAS CORPUS AD SUBJICIENDUM.

In the High Court of Justice,
Queen's Bench Division.

[*If in a cause already on the Crown side,
here insert the title, not otherwise.*]

Whereas this Court [or the Honourable Mr.
Justice] has granted a writ of
Habeas Corpus directed to [or other
person having the custody of , if
so] commanding him to have the body of
before the said Court [or before
a Judge in Chambers] at the Royal Courts of

Justice, London, immediately to undergo,
&c.

Now take notice, that you are hereby re-
quired to have the body of the said
before the said Court [or before the said
Judge as aforesaid] on the day of
, 188 , at the hour of in the
noon. And to make a return to the said
writ. Or in default thereof, the said Court
will then, or so soon after as counsel can be
heard, be moved for an attachment against
you for your contempt in not obeying the
said writ [*or if in vacation, that application
will then be made to one of the Judges of
the said Court for a warrant for your appre-
hension, in order that you may be held to
bail to answer for your contempt in not
obeying the said writ.*]

Dated, &c.

(Signed) M.N., of L..

Solicitor for

To [the persons to
whom the writ is directed,
and any other person upon
whom it may be deemed
necessary to serve the writ].

No. 178.

NOTICE ON HAVING OBTAINED WRIT OF
HABEAS CORPUS AD SUBJICIENDUM ON AN
INFORMAL OR ILLEGAL COMMITMENT.

[*Heading as in No. 177.*]

*Recite the granting of the writ as No. 177,
then say :—*

Now take notice that by virtue of the said
writ, the said A.B. will be brought before
the said Court [or before a Judge in Cham-
bers] at the Royal Courts of Justice, London,
on the day of [at of the
clock, &c.], in order that he the said
may be discharged out of custody as to the
commitment by which he is now detained in
the custody of the said gaoler.

Dated, &c.

(Signed) M.N.,

Solicitor for the said

To A.B. and C.D., Esqrs.,
the committing magis-
trates, and to
the Prosecutor.

No. 179.

AFFIDAVIT OF SERVICE OF WRIT OF HABEAS
CORPUS AD SUBJICIENDUM.

[*Heading as in No. 177.*]

I, A.B., of &c., make oath and say :—

1. That I did on the day of
188 , personally serve C.D. with a writ of

Habeas Corpus issued out of and under the seal of this honourable Court, directed to the said *C.D.*, commanding him to have the body of _____ before [this Court], immediately to undergo, &c. [*describe the direction and mandatory part of the writ*], by delivering such writ of Habeas Corpus to the said *C.D.* personally, at _____, in the county of _____

Sworn, &c.

No. 180.

AFFIDAVIT OF SEARCH AT CROWN OFFICE FOR RETURN TO WRIT OF HABEAS CORPUS.

[*Heading as in No. 177.*]

I, *A.B.*, of &c., make oath and say :—

1. That I did the _____ day of _____, 188 _____, search the proper file at the Crown Office for a return to a writ of Habeas Corpus, lately issued out of and under the seal of this honourable Court, directed to _____, commanding him to have the body of _____ before this Court, immediately to undergo, &c. [*as the case may be*], but that no return was then filed or made to the same.

2. That the said _____ has not, in any manner, obeyed the said writ, as I verily believe.

Sworn, &c.

No. 181.

AFFIDAVIT FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM, OR ORDER TO TESTIFY.

In the High Court of Justice,
Queen's Bench Division.

I, *A.B.*, of &c., make oath and say :—

1. That *C.D.*, now a prisoner confined in Her Majesty's prison at _____, in and for the _____, undergoing a term of imprisonment for [*or under commitment to take his trial for*] [*here shortly state offence*] is and will be a material and necessary witness on behalf of _____ on the trial of an indictment [*or before the Grand Jury of the county of _____, upon an indictment to be preferred*] against *E.F.*, for certain _____, which indictment stands for trial [*or is to be preferred*] on the _____ day of _____, 188 _____, at _____, in and for the county [*or borough, or as the case may be*] of _____.

2. That the _____ cannot safely proceed to trial [*or prefer the said indictment*] without the testimony of the said *C.D.*

Sworn, &c.

No. 182.

AFFIDAVIT FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM, OR ORDER TO TESTIFY, IN A CAUSE ON THE CROWN SIDE.

In the High Court of Justice,
Queen's Bench Division

[*Middlesex.*—The Queen

againat

A.B.

I, *A.B.* of &c., make oath and say :—

1. That this cause stands for trial at _____ in and for the _____ of _____ on the _____ day of _____, 188 _____, and that *E.F.*, a prisoner confined in Her Majesty's Prison at _____ in and for the _____ of _____, undergoing a term of penal servitude [*or otherwise describe the nature of the confinement*], is a material and necessary witness on behalf of _____ on the trial of the said cause.

2. That the said _____ cannot safely proceed to trial without the evidence of the said *E.F.*

Sworn, &c.

No. 183.

WRIT OF HABEAS CORPUS AD TESTIFICANDUM.

VICTORIA, by the Grace of God, to the gaoler of Our prison at _____, of and for Our _____ : We command you that you have before [*description of Court*] on the _____ day of _____, 188 _____, at _____, the body of _____, being committed and detained in Our prison under your custody, as is said, then and there to testify the truth and give evidence [*on Our behalf against A.B. for felony ; or otherwise describe the proceedings as in a subpoena*], and so from day to day until the said _____ shall have given his evidence as aforesaid. And when he shall have given his evidence, then that you take him back without delay to Our said prison under your custody, and cause him to be detained therein under safe custody, until he shall be from thence discharged by due course of law. Witness, &c.

No. 184.

ORDER INSTEAD OF WRIT OF HABEAS CORPUS AD TESTIFICANDUM, PURSUANT TO 16 & 17 VICT. C. 30. S. 9.

In the High Court of Justice,
Queen's Bench Division.

Middlesex.—The Queen.

againat

A.B.

[*If not in a cause in the High Court, omit the title.*]

Upon reading the affidavit of *C.D.*, filed

the day of _____, 188 , and upon hearing the solicitor for _____.

It is ordered that the gaoler of Her Majesty's prison at _____ of and for the [county] of _____ [or as the case may be], do have before _____ on the _____ day of _____, 188 , the body of *E.F.*, committed and detained in his custody, as it is said, then and there to testify the truth and give evidence on behalf of the Queen against *G.H.* upon an indictment for felony; or otherwise describe the proceedings in which the prisoner is required to attend as in a subpoena], and so from day to day until the said *E.F.* shall have given his evidence as aforesaid. And when he shall have given his evidence, then that you take him back without delay to the said prison, to be detained therein until he shall be from thence discharged by due course of law.

Dated, &c.

No. 185.

WRIT OF HABEAS CORPUS TO DELIVER.

VICTORIA, by the Grace of God, &c., to the gaoler of Our prison at _____, in and for Our county of _____, greeting: We command you that you deliver the body of _____, committed and detained in Our prison under your custody, to the gaoler of Our prison at _____, of and for Our _____ of _____, and that you certify to Our said last-mentioned gaoler the cause of his taking and detainer, that Our said last-mentioned gaoler may cause him to be detained in Our prison at _____, according to the tenor of Our writ directed to him for that purpose, to remain in the same last-mentioned prison until he shall be from thence discharged by due course of law.

Witness, &c.

No. 186.

WRIT OF HABEAS CORPUS TO RECEIVE.

VICTORIA, by the Grace of God, &c., to the gaoler of Our prison at *C.*, of and for Our [county] of *G.*, greeting: Whereas We, being willing that the body of *A.B.*, now in Our prison under the custody of the gaoler of Our prison at *D.*, of and for Our county of *H.*, should for certain reasons be forthwith conveyed from thence to you, have lately commanded by our writ the said gaoler of Our prison at *D.* that he should without delay deliver the said *A.B.* into your custody, and certify to you the cause of his taking and detaining. We therefore command you that you receive the said *A.B.* from the said

gaoler of Our said prison at *D.*, and cause him to be detained in Our said prison at *C.* under safe custody, until he shall be from thence delivered by due course of law.

Witness, &c.

No. 187.

WRIT OF HABEAS CORPUS TO BRING A PRISONER BEFORE JUSTICES OF THE PEACE TO ANSWER A CHARGE.

VICTORIA, by the Grace of God, &c., to the gaoler of Our prison at _____, in and for Our _____ of _____, greeting: We command you that you have before some one or more of the keepers of Our peace, and Our Justices assigned to hear and determine divers crimes, trespasses, and other offences committed within Our county of _____, who may be in attendance on _____ the _____ day of _____ at the hour of _____ in the _____ noon at _____ in Our said county, the body of _____, being committed and detained in Our prison under your custody as is said, together with the day and cause of his being taken and detained, by whatsoever name he may be called, then and there to answer to a charge of _____ to be then and there made against him, and so from day to day until he shall have answered the said charge, and to be dealt with according to law. And have you then and there this writ. Witness, &c.

No. 188.

WRIT OF HABEAS CORPUS TO BRING UP A PRISONER TO PLEAD TO AN INDICTMENT OR FOR TRIAL.

VICTORIA, &c., to the gaoler of Our prison at _____, in and for Our said _____, greeting: We command you that you have before [description of Court] at _____ on _____ the _____ day of _____ at the hour of _____ in the _____ noon the body of _____, being committed and detained in Our prison under your custody as is said, together with the day and cause of his being taken and detained, by whatsoever name he may be called, then and there to answer to [or to take his trial upon] an indictment against him for _____. And so from day to day until he shall have answered as aforesaid [or taken his trial as aforesaid]. And to be further dealt with according to law. And have you then there this writ.

Witness, &c.

No. 189.

WRIT OF HABEAS CORPUS TO BRING A PRISONER TO THE CROWN OFFICE TO ATTEND THE NOMINATION, &c., OF A SPECIAL JURY.

VICTORIA, by the Grace of God, &c., to the gaoler of Our prison of , greeting : We command you that you have the body of , being detained in Our prison under your custody, before Frederick Cockburn, Esquire, Queen's Coroner and Attorney in the Queen's Bench Division of Our High Court of Justice before Us on the day of , at the hour of in the noon, at the Crown Office, Royal Courts of Justice, London ; there to attend the nomination of forty-eight good and lawful men out of the book or list of persons qualified to serve on special juries within the county of , as and for a jury to be taken between Us, and the said upon an information exhibited against him in Our Court before Us, by the said Frederick Cockburn, Queen's Coroner and Attorney as aforesaid, for certain [or upon an indictment against him for certain ;] and so from day to day until the same jury shall be reduced, and when the said shall have so attended the nomination and reduction of the said jury, that then you cause him to be brought back without delay to Our said prison, and cause him to be detained therein under safe custody until he shall be from thence discharged by due course of law. Witness, &c.

No. 190.

WRIT OF ATTACHMENT.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting : We command you to attach C.D., so that you may have him before Us in the Queen's Bench Division of Our High Court of Justice, at the Royal Courts of Justice, London, on the day of , 188 , to answer to Us for certain trespasses and contempts brought against him in Our said Court ; and have you there then this writ. Witness, &c.

No. 191.

AFFIDAVIT FOR HABEAS CORPUS TO BRING UP A PRISONER TO BE CHARGED WITH ATTACHMENT.

In the Queen's Bench.

England.—The Queen.

against

A.B.

I, G.H., of &c., clerk to I.J., of &c., the

solicitor for the Prosecutor in this cause, make oath and say :—

1. That on the day of last, a writ of attachment was granted by, and duly issued out of, this honourable Court, directed to the sheriff of against the above-named Defendant for his contempt in not [describe the nature of the contempt.]

2. That the said Defendant is a prisoner for now confined in Her Majesty's Prison at of and for .

3. That the Prosecutor is desirous that the said Defendant should be brought before this honourable Court [or a Judge in Chambers at the Royal Courts of Justice, London], in order that he may be charged with and committed upon the said attachment.

Sworn, &c.

No. 192.

WRIT OF HABEAS CORPUS ON RETURN OF CEPI CORPUS.

VICTORIA, by the Grace of God, &c., to the sheriff of , greeting : We command you that you have the body of before Us in the Queen's Bench Division of Our High Court of Justice, at the Royal Courts of Justice, London, forthwith after the receipt of this Our writ, to answer to Us for certain trespasses and contempts brought against him in Our said Court before Us, and whereof by your return sent to Us you have charged yourself. And have you then there this writ.

Witness, &c.

No. 193.

RECOGNISANCE TO ANSWER INTERROGATORIES.

Be it remembered, that on the day of , 188 , in the Queen's Bench Division of Her Majesty's High Court of Justice, before the Queen herself, at the Royal Courts of Justice, London, come of and of and acknowledge themselves to owe to our said Lady the Queen the several sums following, that is to say, the said the sum of and the said and the sum of each, of lawful money of Great Britain, to be levied upon their several goods and chattels, lands and tenements, to Her Majesty's use. Upon condition that if the said shall answer to all such interrogatories as shall be exhibited to him in the said Court touching a contempt supposed to have been by him committed against the said Court, and shall appear from day to day in

the said Court, and not depart the said Court without leave, then his recognisance to be void, or else to remain in full force.

Taken, &c.

By the Court.

No. 194.

WRIT OF CONTUMACE CAPIENDO.

VICTORIA, by the Grace of God, &c., to the sheriff of _____, greeting: Whereas *A.B.* has signified to Us, &c., that *C.D.* of &c. in your county of _____ is manifestly contumacious and contemns the jurisdiction and authority of the law and jurisdiction ecclesiastical of _____ [here state the contempt charged], nor will *C.D.* submit to the ecclesiastical jurisdiction; but forasmuch as the royal power ought not to be wanting to enforce such jurisdiction, We command you that you attach the said *C.D.* by his body until he shall have made satisfaction for the said contempt, and how you shall execute this Our precept notify unto Us on the day of _____, at Our Royal Courts of Justice, London. And in nowise omit this, and have you there then this writ.

Witness Ourself at Westminster the day of _____, in the _____ year of Our reign.

(Signed)

ESHER

(Master of the Rolls).

To be indorsed after delivery into Court.

This writ is allowed and delivered of record before our Lady the Queen in the Queen's Bench Division of Her Majesty's High Court of Justice, at the Royal Courts of Justice, London, the day of _____, 188____, according to the form of the statute in such case made and provided.

In Court.

No. 195.

WRIT OF CAPIAS CUM PROCLAMATIONE SUPER CONTUMACE CAPIENDO.

VICTORIA, by the Grace of God, &c., to the sheriff of _____, greeting; Whereas [recite the writ of Contumace Capiendo through-out in the past tense].

And whereas, in obedience to the said writ, you returned to Us that [recite the return which should state that (the defendant) cannot be found in the sheriff's bailiwick], as in the Queen's Bench Division of Our High Court of Justice before Us it appears upon record.

Therefore, according to the form of the statutes in such case made and provided, We command you that you take the said _____, if he shall be found in your bailiwick, and him safely keep, so that he may make satisfaction for the said contempt, and if the said _____ shall not be found in your bailiwick, that then you cause open proclamation to be made ten days at least before the return of this writ in your full County Court, or else at the general assizes and gaol delivery to be holden within your said county, or at a quarter sessions to be holden before the Justices of the peace within your said county, according to the form of the statutes, that the said _____ shall, within six days next after such proclamation, yield his body to Our prison of your said county, there to remain as a prisoner according to the tenor and effect of Our said first writ to you [or to the then sheriff] before directed, under pain of forfeiture of *ten pounds** of lawful money of Great Britain; and how you shall execute this Our writ make known to Us at the Royal Courts of Justice, London, on the day of _____ next, that We may cause further to be done thereon what of right and according to the form of the statutes in such case made and provided shall be meet to be done.

Witness, JOHN DUKE, BARON COLERIDGE, at the Royal Courts of Justice, London, the day of _____, in the year of Our Lord one thousand, &c.

* The second Capias twenty pounds, and the like sum in every subsequent writ.

No. 196.

WRIT OF ATTACHMENT FOR THE PEACE.

VICTORIA, by the Grace of God, &c., to the sheriff of _____, greeting: Because *A.B.* was afraid that he might be in many ways disquieted and made grievous concerning his life and maiming of his limbs by *C.D.*, as the said *A.B.* has made oath before Us; therefore We command you that you attach the said *C.D.* so that you may have him before Us on the day of _____, to find then before Us sufficient security for the keeping of Our peace by him towards Us and all Our people, and especially towards the said *A.B.*, under a certain penalty then to be imposed on him by Us, and when you have so attached the said *C.D.*, you are to discharge him on bail until the said day by sufficient manucaptors, who shall be willing to bail him under a certain penalty reasonably to be imposed upon them by you, as well for

the keeping his day as for the keeping Our peace by him in the meantime. Witness, &c.

To be indorsed.

"This writ is granted on motion in open Court and the cause thereon recorded according to the form of the statute in such case made and provided."

This writ was issued by, &c.

No. 197.

ARTICLES OF THE PEACE.

In the High Court of Justice,
Queen's Bench Division.

England.—Articles of the peace exhibited by , of , against , through fear of death or of receiving some great bodily harm.

1. I, this Exhibitant, make oath and say, that [state the circumstances of the case, and the reasons for apprehending danger to life or of receiving bodily injury, and set out threatening letters, if any].

2. I further say, that by reason of the premises aforesaid I am in great bodily fear, and conceive myself to be in great danger of the loss of my life from the violence of the said

And fear that the said will endeavour to put his threats into execution, or do me some grievous bodily harm, and therefore I humbly crave that the said may be restrained therefrom by this honourable Court, and ordered to give security to keep the peace towards me, &c.

3. I further say, that I do not make this complaint against the said through any hatred, malice, or ill-will which I have or bear towards him, but merely for the preservation of myself from bodily harm, violence, and insult.

Sworn in open Court, at the Royal
Courts of Justice, London, the
day of 188 .

(Signed)
A.B.

[To be signed by the Exhibitant.]
By the Court.

No. 198.

RECOGNISANCE FOR GOOD BEHAVIOUR AND TO KEEP THE PEACE.

Be it remembered, that on the day of 188 , [insert the names and descriptions of Defendant and bail], come into the Queen's Bench Division of Her Majesty's

High Court of Justice before the Queen herself [or before me , one of Her Majesty's Justices of the of] and acknowledge to owe our Sovereign Lady the Queen the several sums following (that is to say), the said the sum of pounds, and the said and the sum of pounds, each of lawful money of Great Britain, to be levied upon their several goods and chattels, lands and tenements, to Her Majesty's use, upon condition that if the said shall be of good behaviour for the space of years, to be computed from and after the day of 188 , and keep the peace towards all Her Majesty's liege subjects, and especially towards A.B., and not depart that Court without leave, then this recognisance to be void, or else to remain in full force.

Taken, &c.

No. 199.

AFFIDAVIT OF SERVICE OF NOTICE.

In the High Court of Justice,
Queen's Bench Division.

[When in a cause on the Crown side of the Court, insert the title of the cause, but not otherwise.]

I, A.B., of &c., make oath and say :—

1.* That I did on the day of , serve C.D., one of the persons to whom the notice hereunto annexed is directed, with the said notice by delivering a copy of the said notice to , and leaving the same with [the wife, clerk, or servant of] the said at the residence of the said , situate at , in the county of .

2.† That I did on the day of , also serve E.F., another of the persons to whom the said notice is directed, with the said notice, by delivering a copy of the said notice personally to the said at , in the county of .

Sworn, &c.

* [When not personal.]

† [When personal.]

No. 200.

AFFIDAVIT OF PERSONAL SERVICE OF ORDER.

[Heading as in No. 199.]

I, A.B., of &c., make oath and say :—

That I did on the day of , 188 , personally serve C.D., mentioned in the order hereunto annexed, with the said order, by delivering a true copy of the said order to the said C.D. personally at ,

in the county of . And at the same time shewing to the said *C.D.* the said original order.

Sworn, &c.

No. 201.

AFFIDAVIT OF SERVICE OF ORDER NOT PERSONAL.

[*Heading as in No. 199.*]

I, *A.B.*, of &c., make oath and say:—

That I did on the day of , 188 , serve *C.D.*, mentioned in the order hereunto annexed, with the said order, by delivering a true copy of the said order to , and leaving the same with [*the wife, clerk, or servant*] of the said *C.D.*, at the dwelling-house [or office] of the said *C.D.*, situate at , in the county of . And at the same time shewing to the said the said original order.

Sworn, &c.

No. 202.

AFFIDAVIT OF PERSONAL SERVICE OF WRIT.

[*Heading as in No. 199.*]

I, *A.B.*, of &c., make oath and say:—

That I did on the day of , personally serve *C.D.* named in the writ of hereunto annexed with the said writ, and which said writ appeared to this deponent to be duly and regularly issued out of and under the seal of this honourable Court, by delivering a true copy of such writ to the said personally, at , in the county of . And at the same time shewing to the said *C.D.*, the said original writ.

Sworn, &c.

No. 203.

AFFIDAVIT OF SERVICE OF SUBPENA.

[*Heading as in No. 199.*]

I, *A.B.*, of &c. make oath and say:—

That I did on the day of , personally serve *C.D.*, one of the persons to whom the writ of Subpoena hereunto annexed, marked (A.), is directed, with the said writ, by delivering a true copy of the said writ to the said *C.D.* at in the county of . And at the same time shewing to the said *C.D.* the said original writ. And at the time of such service gave to the said *C.D.* the sum of for conduct money.

Sworn, &c.

No. 204.

AFFIDAVIT OF SERVICE OF ORDER AND MASTER'S ALLOCATUR AND DEMAND AND NON-PAYMENT OF MONEY, TO ESTREAT RECOGNISANCE.

In the High Court of Justice,
Queen's Bench Division.

Middlesex.—The Queen
against
X.Y.

I, *A.B.*, of &c., make oath and say:—

1. That I did, on the day of , 188 , personally serve , named in the order of Court hereunto annexed, with the said order and the allocatur of the Queen's Coroner and Attorney in this Court [or of the Master of the Crown Office] for the sum of made thereon, by delivering a true copy of the said order and allocatur to the said at in the county of , and at the same time shewing to the said the said original order and the said allocatur. And I did, at the same time, demand of the said the said sum of , the amount of the said allocatur; but the said did not then pay the same, or any part thereof, to this deponent; nor has he, the said , at any time since paid the same, or any part thereof, to the Prosecutor in this cause, or to any one on his behalf, as I have been informed by the said Prosecutor and verily believe. And the said sum of still remains due and unpaid to the said Prosecutor, or to me, his solicitor.

2. And that I did also, on the day of , 188 , personally serve one of the bail of the said Defendant in this cause with the said order and allocatur, by delivering a true copy of the said order and allocatur to the said at the residence of the said at in the county of , and at the same time shewing to the said the said original order and allocatur. And I did, at the same time, demand of the said the said sum of , but the said did not then pay the same, or any part thereof, to this deponent, nor has he, the said , at any time since, paid the same, or any part thereof, to me, or to the Prosecutor in this cause, or to any one on his behalf, as I have been informed by the said Prosecutor and verily believe.

3. That I did on the day of , 188 , personally serve , the other bail of the said Defendant, with the said order and allocatur, by delivering a true copy of the said order and allocatur to the said

at _____, in the county of _____, and at the same time shewing to the said _____ the said original order and allocatur. And I did, at the same time, demand of the said _____ the said sum of _____, but the said _____ did not then pay the same, or any part thereof, to me, nor has he, the said _____, at any time since paid the same, or any part thereof, to this deponent, or to the said Prosecutor, or to any one on his behalf, as I have been informed by the said Prosecutor and verily believe. And that the said sum of _____ still remains unpaid.

Sworn, &c.

COSTS OF VIEW IN UNDER SHERIFF'S ACCOUNT UNDER RULE 159.

	£	s.	d.
For travelling expenses to the under sheriff, shewers, and jurymen expenses actually paid, if reasonable—			
Fee to the under sheriff when the distance does not exceed five miles from his office	1	1	0
Where such distance exceeds five miles	2	2	0
And in case he shall be necessarily absent more than one day, then for each day after the first a further fee of	1	1	0
Fee to each of the shewers the same as the under sheriff, calculating the distance from their respective places of abode—			
Fee to each of the common jurymen per diem	0	5	0
Fee to each special jurymen per diem	1	1	0
Allowance for refreshment to the under sheriff, shewers, and jurymen, whether common or special, each per diem	0	5	0
To the bailiff for summoning each jurymen whose residence is not more than five miles distance from the office of the under sheriff	0	2	6
And for each whose residence does exceed five miles of such distance	0	5	0

TABLE OF COURT FEES TO BE TAKEN IN THE CROWN OFFICE DEPARTMENT.

WRITS AND SUMMONSES.

	£	s.	d.
1. On sealing a writ of mandamus	1	0	0
2. On sealing a writ of subpoena for witnesses, not exceeding three persons	0	5	0
3. On sealing every other writ	0	5	0
4. On sealing or issuing an originating summons, under the Act 6 & 7 Vict. c. 73, for the taxation of a solicitor's bill of costs within twelve months after delivery, or delivery of a bill of costs by a solicitor, including the order to be made thereon	0	10	0
5. On sealing any other originating summons	0	10	0
6. On amending same	0	5	0
7. On sealing or issuing a summons for directions under Order XXX.	0	10	0
8. On sealing or issuing any other summons	0	3	0

APPEARANCES AND PLEAS.

9. On entering an appearance, for each person	0	2	0
10. On entering a plea, for each person	0	5	0

COPIES.

11. On a copy of a written deposition of a witness to enable a party to print same, for each folio	0	0	4
12. On examining a written or printed copy and marking or sealing same as an office copy, for each folio	0	0	2
13. On making a copy and marking same as an office copy, for each folio	0	0	6
14. On a copy in a foreign language	The actual cost.		
15. On a copy of a plan, map, section, drawing, photograph, or diagram	The actual cost.		

ATTENDANCES.

- On an application, with or without a subpoena, for any officer to attend as a witness, or to produce any record or document to be given in evidence (in addition to the

reasonable expenses of the officer), for each day or part of a day he shall necessarily be absent from his office .

£ s. d.

1 0 0

The officer may require a deposit of stamps on account of any further fees, and a deposit of money on account of any further expenses, which may probably become payable beyond the amount paid for fees and expenses on the application, and the officer or his clerk taking such deposit shall thereupon make a memorandum thereof on the application.

The officer may also require an undertaking in writing to pay any further fees and expenses which may become payable beyond the amounts so paid and deposited.

OATHS, &c.

17. On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration, for each person making same 0 1 6
18. And in addition thereto, for each exhibit therein referred to and required to be marked 0 1 0

FILING.

19. On filing a special case 1 0 0
20. If on appeal from an inferior Court. 0 10 0
21. On filing an affidavit, writ of execution with return, recognisances, and every other proceeding or document required to be filed 0 2 6

CERTIFICATES.

22. On a certificate of appearance, or of a pleading, affidavit, or proceeding having been entered, filed, or taken, or of the negative thereof, unless otherwise provided 0 2 6
23. Or if a certificate of proceedings pursuant to Order LXI., Rule 24 0 5 0

SEARCHES AND INSPECTIONS.

£ s. d.

24. On an application to search for an appearance and inspecting same 0 1 0
25. On an application to search an index and inspect a pleading, judgment, order, or other record, unless otherwise expressly provided for by any Act of Parliament, for each hour or part of an hour occupied 0 2 6
26. Not exceeding on one day 0 10 0

HEARING.

27. On entering or setting down, or re-entering or re-setting down, an Appeal to the Court of Appeal, or a cause, matter, or proceeding required to be entered in the Crown Paper, but not any interlocutory motion or application arising out of any cause, matter, or proceeding in respect of which such fee shall have been previously paid by the party entering 2 0 0
28. If an Appeal from an Inferior Court to the High Court 1 0 0

JUDGMENTS AND ORDERS.

- On drawing up and entering Judgments and Orders :—
29. If an order made in Court ordering a judgment to be entered, or an order in the nature of a judgment, or on the hearing of a special case, unless otherwise directed 1 0 0
30. If on an appeal from an Inferior Court 0 10 0
31. If on any application to the Court of Appeal 1 0 0
32. If an Order of Course, under the Act 6 & 7 Vict. c. 73. to tax a solicitor's bill of costs within 12 months after delivery, or for delivery of a bill of costs by a solicitor where fee No. 4 (on the summons) is not applicable 0 10 0
33. If an Order of Course or any other Order 0 5 0
34. On signing a note or memorandum of an Order pursuant to Order LII., Rule 14, when required for production, where no Order is drawn up 0 3 0

ON PROCEEDINGS¹ BEFORE A MASTER.

£ s. d.

£ s. d.

35. On every reference, investigation, or enquiry, including examination of witnesses, if any, for every hour or part of an hour the officer is occupied 0 10 0

TAXATION OF COSTS.

36. On taxing a bill of costs, where the amount allowed does not exceed 4l. 0 2 0
37. Where the amount exceeds 4l., for every pound allowed or a fraction thereof 0 1 0

These fees, unless otherwise provided, shall be taken on signing the certificate, or on the allowance of the bill of costs as taxed; but the fees shall be due and payable, if no certificate or allocatur is required, on the amount of the bill as taxed, or on the amount of such part thereof as may be taxed, and the solicitor or party suing in person shall in

such case cause the proper stamps (the amount thereof to be fixed by the officer) to be impressed on or affixed to the bill of costs.

The taxing officer may require a deposit of stamps on account of fees before taxation, not exceeding the fees on the full amount of the costs as submitted for taxation, and the officer or his clerk on taking such deposit shall make a memorandum thereof on the bill of costs.

MISCELLANEOUS.

38. On an allowance of a table of fees 1 0 0
39. On a fiat of a Judge 0 5 0
40. On taking a recognisance or bail 0 10 0
41. On a commitment 0 5 0
42. On signing an information 0 10 0
43. On nominating and reducing a jury pursuant to the County Juries Act, 1825, and the Juries Act, 1870 1 0 0

We concur in respect of the above fees,

(Signed) CHARLES DALRYMPLE,
W. H. WALROND,

Two of the Commissioners of Her Majesty's Treasury.

LAW JOURNAL REPORTS, 1886.

SUPREME COURT OF JUDICATURE.

THE COUNTY COURT RULES, 1886.

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LIST OF ORDERS AND RULES

In force prior to the 28th April 1886, with a reference to the New Rules respectively substituted for each.

OLD		NEW		OLD		NEW	
Order	Rule	Order	Rule	Order	Rule	Order	Rule
Interpretation		LII.	—	II.	27	II.	28
I.	1	I.	1	"	28	"	29
"	2	"	2	"	29	"	30
"	3	"	3	"	30	"	31
"	4	"	4	"	31	"	34
II.	1	II.	1	"	32	"	35
"	2	"	2	"	33	"	36
"	2a	"	3	"	34	"	37
"	3	"	4	"	35	"	38
"	4	"	5	III.	1	XIII.	2
"	5	"	6	"	2	"	3
"	6	"	7	"	3	"	4
"	7	"	8	"	4	"	5
"	8	"	9	"	5	"	6
"	9	"	10	"	6	"	7
"	10	"	11	"	7	"	8
"	11	"	12	IV.	1	V.	1
"	12	"	13	"	2	"	7
"	13	XIX.	10	"	3	"	4
"	14	II.	14	"	4	"	9
"	15	"	16	"	4a	"	
"	16	"	17	"	5	"	10
"	17	"	18	"	5a	"	
"	18	"	19	"	6	"	6
"	19	"	20	"	7	VII.	30
"	20	"	21	"	7a	"	31
"	21	"	22	"	8	"	
"	22	"	23	"	9	V.	13
"	23	"	24	"	10	"	11
"	24	"	25	"	1	"	12
"	24a	"	26	V.	2	III.	1
"	25	"	22, 27	"	3	"	2
"	26	"		"		"	3

OLD		NEW		OLD		NEW	
Order	Rule	Order	Rule	Order	Rule	Order	Rule
V.	4	III.	4	VIII.	29	VII.	32
"	5	"	5	"	30	"	14
"	6	"	6	"	31	"	29, 33
"	6a	"	6	"	32	"	34
"	7	"	9, 10	"	33	"	36
"	7a	"	7	IX.	1	X.	1
"	8	"	13, 14, 15	"	1a	"	2
"	9	"	16	"	2	III.	8
"	9a	"	17 to 29	"	3	X.	4
"	10	"	1	"	4	"	5
"	11	III.	2	"	5	"	6
VI.	1	IV.	3	"	6	"	7
"	2	"	4	"	7	"	10
"	3	"	5	"	8a	"	11
"	4	"	6	"	9	"	12
"	5	"	7	"	10	"	13
"	6	"	11	"	11	"	14
"	7	"	1	"	12	"	15
"	8	III.	2	IX.	13	X.	16
VII.	1	VI.	3	"	14	"	18
"	2	"	4	"	15	"	19
"	3	"	10	"	16	"	20
"	4	"	4	"	17	"	22
"	5	"	5	Xa.	1	XI.	1
"	6	"	7	"	2	"	2
"	7	"	8	"	3	"	3
"	8b	"	13	XI.	1	XII.	5
"	9	XIV.	9	"	2	"	6
"	1	VI.	1	"	3	"	7
VIII.	2	VII.	2	"	4	"	8
"	3	"	3	"	5	"	9
"	4	"	4	"	6	"	3
"	5	"	5	"	7	"	4
"	6	"	6	"	8	XIII.	1
"	6a	"	7	"	9	III.	14
"	7	"	8	XII.	1a	IX.	1
"	7a	"	9	"	2	X.	9
"	8	"	10	"	3	IX.	4
"	9	"	11	"	4	"	11
"	10	"	12	"	5	"	12
"	11	"	15	"	5a	"	14
"	12	"	16	"	6a	"	16
"	13	"	17	"	7	"	13
"	14	"	18	"	8	"	17
"	15	"	19	XIII.	1	XVI.	10
"	16	"	20	"	2	"	11
"	17	"	21	"	3	"	—
"	18	"	22	"	4	XVI.	12
"	19	"	23	"	5	"	13, 14, 15,
"	20	"	24	"	6	"	16
"	21	"	25	"	7	"	1, 2
"	22	"	26	"	8	"	7
"	23	"	27	"	9	"	8
"	23a	"	28	"	9	XVIII.	5
"	24	"	29	XIV.	1	"	1
"	25	"	30	"	2	"	2
"	26	"		"	3	"	3
"	27	"		"	4	"	4
"	28	"		"	5a	"	8
"		"		"	6	"	10

OLD		NEW		OLD		NEW	
Order	Rule	Order	Rule	Order	Rule	Order	Rule
XIV.	7	XVIII.	21, 25	XVIII.	16	XXIV.	1
"	8	"	15	"	17	"	2
"	9	"	14	"	18	"	3
"	10	"	13	"	19	"	4
"	11	XVIII.	12	"	20	"	5
XV.	1	XVII.	2	"	21	"	6
"	2	"	3	"	22	"	7
"	3	"	9	"	23	"	8
"	4	"	1	"	24	"	9
"	5	XXV.	9	"	25	"	10
"	6	XVII.	1	"	26	"	11
"	7	XXV.	9	"	27	"	12
"	8	"	9	"	28	"	13
XVI.	1	XXII.	1	"	29	"	14
"	2	"	2	"	30	"	15
"	3	"	3	"	31	"	16
"	4	"	4	"	32	"	17
"	5	"	5	"	33	"	18
"	6	"	6	"	34	"	19
"	7	LI.	7	"	35	III.	24
"	8	"	8	"	36	"	25
"	9	XXII.	8	"	37	"	24
"	10	"	9	XIX.	1	XXV.	1
"	11	"	10	"	2	"	4
"	12	"	14	"	3	"	7
"	13	"	16	"	3a	"	8
"	14	"	17	"	4	"	11
"	15	L.	6	"	5	"	12
"	16	XXII.	18	"	6	"	13
"	17	—	—	"	6a	"	15
"	18	XXII.	19	"	7	"	14
XVII.	1	XIV.	1	"	8	"	16
"	2	"	3	"	9	}	17
"	3	"	4	"	9a		18
"	4	"	5	"	10	"	19
"	5	"	6	"	11	"	13, 14
"	6	"	7	"	12	"	20
"	7	"	8	"	13	"	21
"	8	"	9	"	14	"	22
"	9	"	2	"	15	"	23
"	10	"	2	"	15a	"	24
"	11	"	10	"	15b	"	25
"	12	"	2	"	16	"	26
"	12a	"	12	"	17	"	27
"	13	"	11	"	18	"	29
XVIII.	1	XXIII.	1, 2	"	19	"	30
"	2	"	5	"	20	}	31
"	3	"	6	"	20a		33
"	4	"	7	"	21	}	34
"	5	"	3	"	22		35
"	6	"	8	"	22a	}	37
"	7	"	9	"	22b		38
"	8	"	11	"	23	"	39
"	9	XXV.	46	"	24	"	41
"	10	"	47	"	25	"	45 to 49
"	11	"	48	"	26	"	40
"	12	XXII.	12	"	27	"	
"	13	XXIII.	12	"	28	"	
"	14	"	13	"	29	"	
"	15	"	14	"	30	"	

OLD		NEW		OLD		NEW	
Order	Rule	Order	Rule	Order	Rule	Order	Rule
XIX.	31	XXV.	40	XXVIII.	3	—	—
"	32	"	6	XXIX.	—	XXXII.	—
"	33	"	2	XXX.	1	XXIX.	1
XX.	1	XXXIII.	1	"	2	"	2
"	2	"	3	"	3	"	3
"	3	"	2	"	4	"	4
"	4	"	4	"	5	"	5
"	5	"	5	"	6	"	6
"	6	"	6	XXXI.	1	XXXVIII.	8
"	7	"	7	"	2	"	9
XXI.	1	XXVII.	3	"	3	"	12
"	2	"	4	"	4	"	14
"	3	"	7	"	5	"	15
"	4	"	8	"	6	"	16
"	5	"	9	"	7	"	17
"	6	"	10	"	8	"	18
"	7	"	11	"	9	"	19
"	8	"	5	"	10	"	20
"	9	XXVII.	13	"	11	"	21
"	10	"	14	"	12	"	22
XXII.	1	XXXIV.	1	"	13	"	23
"	2	"	2	"	14	"	24
"	3	"	3	"	15	"	1
"	4	"	4	"	16	—	—
"	5	"	5	"	17	XXXVIII.	2
"	6	"	6	"	18	"	3
XXIII.	—	XX.	—	"	19	"	4
XXIV.	1	XXVI.	1	"	20	"	7
"	2	"	2	"	21	—	—
"	3	"	3	XXXII.	1	XXI.	1
"	4	"	4	"	2	"	2
"	4a	"	5	"	3	"	3
"	5	"	6	"	4	"	4
"	6	"	8	"	5	"	5
"	7	"	9	"	6	"	6
XXV.	1	XXX.	1	"	7	"	7
"	2	"	2	"	8	"	8
"	3	"	3	"	9	"	9
"	4	"	4	"	10	"	10
"	5	"	5	"	11	"	11
"	6	"	6	"	12	"	12
"	7	"	7	"	13	"	13
"	8	"	8	XXXIII.	1	XXXIX.	1
"	9	"	9	"	2	"	2
"	10	"	10	"	3	"	3
"	11	"	11	"	4	"	4
"	12	"	12	"	5	"	6
XXVI.	1	XXVIII.	1	"	6	"	7
"	2	"	2	"	7	"	12
"	3	"	3	"	8	"	15
XXVII.	1	XXXVII.	1	"	9	"	16
"	2	"	2	"	10	"	17
"	3	—	—	"	11	"	6
"	4	XXXVII.	3	"	12	"	18
"	5	"	4	"	13	"	8
"	6	"	5	"	14	"	9
"	7	"	6	"	15	"	10
"	8	"	7	"	16	"	11
XXVIII.	1	XXXI.	1	"	17	"	20
"	2	"	2	"	18	"	21

OLD		New		OLD		New	
Order	Rule	Order	Rule	Order	Rule	Order	Rule
XXXIII.	19	XXXIX.	22	XXXVI.	14	—	—
"	20	"	23	"	15	L.	22
"	21	"	24	"	16	"	15
"	22	"	25	"	17	"	12
"	23	"	26	"	18	"	13
"	24	"	27	"	19	"	18
"	25	"	28	"	20	"	8
"	26	"	29	XXXVII.	1	} VII.	35
"	27	"	30	"	1a		
"	28	"	31	"	2	} LI.	5
"	29	"	32	"	2a		
"	30	"	33	"	3	II.	7
"	31	"	34	"	4	L.	26
"	32	"	35	"	5	IX.	19
"	33	"	36	"	6	V.	8
"	34	"	37	"	7	} LI.	8, 19
"	35	"	38	"	8		
"	36	"	39	"	9	XXXIII.	1
"	37	"	40	"	9a	LI.	4
"	38	"	41	"	10	"	2
"	39	"	42	"	11a	"	3
"	40	"	43	"	12a	XXIII.	4
"	41	"	44	"	13	LI.	6
"	42	"	45	"	14	"	9
"	43	"	46	"	15	"	10
"	44	"	47	"	16a	"	11
"	45	"	48	"	17	"	12
"	46	"	49	"	18	VIII.	8
XXXIV.	1	XL.	1	"	19	LI.	18
"	2	"	2	"	20	"	14
"	3	"	3	"	21	XXV.	43, 44
"	4	"	4	"	22	LI.	24
"	5	"	6	"	23a	II.	15
"	6	"	5	"	24	IX.	1
"	7	"	7	"	25	"	6
"	8	"	9	"	26a	V.	3
XXXV.	1	XLI.	4	"	27	XII.	12
"	2	"	7	"	28	XXIII.	3
"	3	"	8	"	30	XII.	15
"	4	"	1, 2	"	31	"	14
"	5	"	3	"	32	LI.	15
XXXVI.	1	L.	1	"	33	"	16
"	1a	"	2	"	34	"	17
"	1b	"	4	"	34a	"	18
"	1c	"	5	"	35	"	19
"	2	"	7	"	36	"	20
"	3	} "	16	"	37	"	21
"	3a			"	38	XIX.	1
"	4	"	17	"	39	"	2
"	5	"	—	"	40	"	5
"	6	L.	9	"	40a	"	6
"	7	"	10	"	41	"	7
"	8	"	11	"	42	"	8
"	9	"	14	"	43	LI.	23
"	10	"	19	"	44	—	—
"	11	} "	20	"	45	IX.	2
"	11a			"	46	"	3
"	12	"	—	"	47	V.	2
"	13	} L.	21	"	48	XXXV.	1
"	13a			"		"	2

OLD		NEW		OLD		NEW	
Order	Rule	Order	Rule	Order	Rule	Order	Rule
XXXVII.	49	XXXV.	3	XXXIX. <i>b</i>	18	VIII.	1
"	50	"	—	"	19	"	3
"	51	XXXVI.	1	"	20	"	2
"	52	"	2	"	21	"	3
"	53	LI.	27	"	22	"	4
XXVIII.	—	"	26	"	23	XII.	11
XXXIX.	—	XLII.	—	"	24	VIII.	6
XXXIX. <i>a</i>	—	XLIII.	1	"	25	IX.	4
"	—	"	2	"	26	XLIV.	18, 19
"	—	"	3	XL.	—	LI.	25
XXXIX. <i>b</i>	1	XLIV.	1	XLI.	1	XLV.	1
"	1 _a	"	1	"	2	"	2
"	2	"	2	"	3	"	3
"	3	"	3	"	4	"	4
"	4	"	4	"	5	"	5
"	5	"	5	"	6	"	6
"	6	"	6	"	7	"	7
"	7	"	7	"	8	"	8
"	8	"	8	"	9	"	9
"	9	"	9	"	10	"	10
"	10	"	10	"	11	"	11
"	11	"	11	XLII.	1	XLVI.	1
"	12	"	12	"	2	"	2
"	13	"	13				
"	14	"	14	Charitable Trusts			
"	15	"	15	Orders, March 1853		XLVIII.	—
"	16	"	16	Probate Rules, 1858		XLIX.	—
"	17	"	17				

THE COUNTY COURT RULES, 1886.

The following Orders and Rules may be cited as "The County Court Rules, 1886," and shall apply, so far as may be practicable (unless otherwise expressly provided), to all proceedings taken in all actions and matters pending on the day on which these Rules come into force.

The Orders and Rules mentioned in the Appendix hereto are hereby annulled, and the following Orders and Rules shall stand in lieu thereof.

ORDER I.

COURT AND OFFICES.

1.* Every Judge shall appoint the days and hours for holding his Courts; and a notice of the day and hour on which each Court is to be holden shall, three months before the holding thereof, be affixed in some conspicuous place in the Court-house and in the Registrar's office; and whenever any day or hour so appointed for holding the Court shall be altered, notice of such alteration shall immediately be affixed in like manner; but any Judge may from time to time hold additional and adjourned Courts.

2. Two Courts shall not be holden before the same Judge on one day, unless with the consent of the Lord Chancellor; but this rule shall not apply to the holding of an adjourned Court, or to the City of London Court.

3. An office shall be kept open by the Registrar at each place where the Court of which he is Registrar is holden, and such office shall be kept open every day from ten o'clock in the morning until four o'clock in the afternoon, except on Christmas Day, Good Friday, the Saturday next after Good Friday, Easter Monday, Easter Tuesday, Whit Monday, the first Monday in August, or any day appointed by royal proclamation for a public fast, humiliation, or thanksgiving, or any day appointed for closing the same by the Lord Chancellor; provided that on Saturdays the office may be closed at one o'clock in the afternoon, but where Saturday is the market day of the town in which the Court is holden, the office shall not be so closed, but may be closed at one o'clock on some other day of the week instead of Saturday, which day shall be fixed upon for such purpose by the Judge, and shall not afterwards be changed except by his leave: Provided also, that an office need not be kept open in more than one place

within the district of a Court, although the Court is holden at more than one place within the district, unless the Lord Chancellor shall otherwise order: And provided also, that during the days on which in such district the Court is held in any place other than in the place where the Registrar's office is situate, or on which an office is open at such other place, the office may be closed on such days in the place in which the office is required generally to be kept open.

4. The offices of the Courts, or any of them, may from time to time be closed by special order of the Lord Chancellor on such days as may be mentioned in any such order.

ORDER II.

OFFICERS.

Registrar.

1.* Whenever the Registrar or his lawful deputy is absent from the sitting of a Court, the Judge shall appoint a deputy to act on behalf of the Registrar; and an entry of such appointment and of the cause of such absence (if known) shall be made on the minutes of the Court.

2.† The Registrar shall keep books in the forms given in the Appendix, subject as follows:

Where book A is used, neither books B, C, D, nor E shall be used, but book F shall be used.

Where books B and C are used, neither books A, D, nor E shall be used, but book F shall be used.

Where books D and E are used, books A and B shall not be used, but book C may be used; and if book C be used, book F shall be used.

Where the number of complaints entered in a Court have exceeded 2,000, and book A is not used, books C and F shall be used, and either book B or books D and E.

Every Registrar acting as high bailiff may keep book K instead of books L, N, and T.

Every entry in such books shall have a number prefixed, corresponding with the number of the plaint to which the entry relates.

3. The Registrar shall file all documents delivered to him in any action or matter, and shall distinguish them by the number of the plaint in respect of which they are filed, and from each other, by a distinctive letter of the

* 9 & 10 Vict. c. 95. s. 26.

† 9 & 10 Vict. c. 95. s. 27.

alphabet, and he shall enter in the "Notice Book" the fact of the despatch of all summonses to foreign Courts, and of documents, notices, and letters sent by him to any party, and all particulars required by the form of such book.

4. The Registrar shall issue all summonses, warrants, and orders of committal forthwith after the plaints are entered or the warrants or orders applied for.

5. Where a summons is required to be served in a foreign district, the Registrar shall transmit the same and a copy thereof to the bailiff of the foreign Court within twenty-four hours after the plaint is entered, with a letter according to the form in the Appendix,* unless the Judge of the home Court shall order the summons in any particular case to be served by the bailiff of such Court; and where any summons is returned to the Registrar of the home Court by the bailiff of the foreign Court, not served, the Registrar shall forthwith give notice to the plaintiff of such non-service:† The letter need not be transmitted from one Metropolitan Court to another, except with default summonses.

6. Where, by the indorsement on the copy of a summons made by a bailiff of a foreign Court, it shall appear doubtful whether the service will be held sufficient, the Registrar of the home Court shall forthwith on receiving back such copy send to the plaintiff a notice according to the form in the Appendix.‡

7. Copies of all proceedings or documents in the custody of the Court or its officers shall be prepared by the Registrar for any party entitled to require the same, upon pre-payment of the costs of such copies.

8. The Registrar shall, in all cases where by these Rules particulars are required, annex to the summons a copy of the plaintiff's particulars, sealed with the seal of the Court; and shall also make and deliver to the bailiff a true copy of the summons.

9. Moneys to be paid into Court under the order of the Judge or otherwise may be so paid, during office hours, on every day on which such office is open.

10. Upon production of the plaint note, or of the duplicate thereof, mentioned in Order VII., the Registrar shall allow searches to be made, and shall pay out upon demand the money to which suitors are entitled (in cash if required) on three days, at the least, in each week, such days to be fixed by the Registrar from time to time, with the approbation of the Judge, and to be printed or written on the plaint note. For the purpose, however, of enabling the Registrar to furnish the list of balances in the ledgers according to the re-

quirements of the Commissioners of Her Majesty's Treasury, no searches shall be made or money paid out of Court during one week in each year, provided that due notice of such week shall have been affixed in some conspicuous place in the office of the Registrar a month beforehand.

11. Whenever money is paid into or deposited in Court, whether before or after judgment, an acknowledgment in writing of such payment or deposit shall be given.

12. The books of the Court, including the banker's book and cash book, shall at all times be open to the inspection of the treasurer.

13. No Registrar, Deputy Registrar, Registrar's clerk, high bailiff, bailiff, broker, or other officer of the Court, and no partner or clerk of any such officer shall, on account of suitors, sign the ledger or any other book, or receive money or otherwise act as an agent for that purpose.

14. Before executing any order directing the payment or transfer of any fund, or part of any fund, in respect of which any duty shall be payable to the revenue under the Acts relating to legacy or succession duty, it shall be the duty of the Registrar, before making the payment, to require a certificate from the proper officer of, or the production of the receipt for, the payment of the duty chargeable in respect of such fund, or any part thereof respectively.

15. Where any Judge acting for any other Judge under section twenty of the County Courts Act, 1867, shall sign any document, it shall be the duty of the Registrar to make a memorandum at the foot thereof according to the form in the Appendix.*

16. Every Registrar shall comply with the regulations which may from time to time be made by the Commissioners of Her Majesty's Treasury for the safe custody of any securities deposited with him under section 24 of the County Courts Act, 1867.

High Bailiff.

17. Whenever the high bailiff is absent from the sitting of a Court, he shall transmit to the Registrar a statement in writing of the cause of his absence, and an entry of the cause of such absence shall be made by the Registrar on the minutes of the then sitting or the next succeeding Court.

18. The high bailiff shall keep books and make returns according to the forms in the Appendix.

19. The high bailiff or a bailiff of the Court shall attend for the purpose of receiving processes or for the performance of other duties, at the office of the Registrar once at least

* Forms 10, 19. † Form 12. ‡ Form 13

* Form 4.

every day during the hours it is open; and shall compare and examine all processes delivered to him by the Registrar, so as to enable him to prove their correctness.

20. An office of the high bailiff of a Court, in which the plaints entered shall have exceeded six thousand in any one year, shall be kept open for the purpose of answering enquiries, giving information, or for any other purpose connected with the duties of the high bailiff, during the same hours as the office of the Registrar of the Court is to be kept open.

21. The high bailiff shall serve or cause to be served process issued out of the Court of which he is high bailiff, or sent to him for service from other Courts, as soon as practicable.

22. If the service of the summons has been personal, the bailiff who served the same shall indorse on the copy of the summons delivered to him by the Registrar the fact of such service; and if the service has not been personal, he shall indorse on such copy the statement made by the person to whom the summons was delivered, and any circumstance from which it may be inferred that the service of the summons has come to the knowledge of the defendant; and if the summons has not been served, the bailiff shall indorse on such copy the reason of such non-service: all indorsements on summonses shall be signed by such bailiff. The high bailiff shall deliver to the Registrar the copy of every summons which has been served, and also the summons itself when not served, together with the list of summonses mentioned in Rule 27 of this Order, and such copies and summonses shall be produced by the Registrar or high bailiff, as the Judge may require.

23. Where an ordinary summons required to be served in a home district has not been served, the high bailiff shall forthwith give notice to the plaintiff of the fact of such non-service according to the form in the Appendix.*

24. Where from the answers given by the person to whom an ordinary summons is delivered at the place mentioned in a summons as the residence or place of business of the defendant it is doubtful whether the Judge will be satisfied that the service has come to the knowledge of the defendant before the return-day, the high bailiff shall forthwith send to the plaintiff a notice according to the form in the Appendix.†

25. Where an ordinary summons is required to be served in a foreign district, the high bailiff of that district shall, eight clear

days at least before the return-day, transmit the copy thereof to the Registrar of the home Court duly indorsed and signed by the bailiff (who shall name the Court of which he is a bailiff), and also the summons itself when not served.

26. Where the high bailiff of a foreign Court neglects to return to the Registrar of the home Court the copy of a summons as required by the last preceding rule, or of a judgment summons, three clear days before its return-day, the Judge of the home Court may, upon evidence of such summons having been posted to the high bailiff of the foreign Court, direct notice, according to the form in the Appendix,* to be given to such high bailiff that the said Judge will on a day to be mentioned, unless such high bailiff shew cause to the contrary, make an order directing such high bailiff to pay to the plaintiff such sum as the Judge may think reasonable, as compensation for any loss of time and expense which may have been caused to the plaintiff by such neglect, and if on the day mentioned the Judge shall make any order for payment by such high bailiff a memorandum of such order shall be made in the minute-book, and the Registrar of the home Court shall transmit to the high bailiff of the foreign Court a notice thereof according to the form in the Appendix,† and if the high bailiff shall not remit to the Registrar of the home Court the sum directed by the order to be paid, the Registrar shall transmit to the treasurer of the foreign Court a copy of the notice, certifying thereon the neglect of the high bailiff to pay the money as required, and the treasurer shall deduct such sum from any payment he may thereafter make to the high bailiff.

27.‡ Seven clear days before the day of holding any Court the high bailiff shall deliver to the Registrar a list of all ordinary summonses on plaint before judgment, issued to him, returnable at such Court, and shall state therein the mode of service or the cause of non-service of each summons.

28. Within two days after the service of a default summons, the high bailiff of the Court in the district of which it has been served shall send notice thereof to the plaintiff according to the form in the Appendix,§ and shall return the copy of the summons duly indorsed to the Registrar of the Court from which it issued, and where any such summons cannot be served within one month from the date of issue, such high bailiff shall send to the plaintiff a notice stating why it has not been served, and shall send a similar

* Form 12.

† Form 13.

* Form 175.

† 9 & 10 Vict. c. 95. s. 33.

† Form 176.

§ Form 22.

notice at the end of every one month during which it shall remain in force and unserved.*

29. The high bailiff shall enter in the "Order Book" all orders for the payment of money or costs, or both, which he shall have received, and the date on which he shall have caused the same to be posted.

30.† The high bailiff shall execute every warrant and order of committal issued to him as soon as possible, and shall enter in the proper book every warrant and order of committal which he has been required to execute, and shall state from time to time therein what he shall have done under each warrant or order, and if the same be not executed within one month from the day of delivery to him, why it has not been executed; and shall, at all reasonable times, give to a suitor, his solicitor or agent, every information which he may reasonably require as to the execution or non-execution of any warrant or order which has been issued at his instance.

31. Every high bailiff levying or receiving any money by virtue of the process of any County Court shall, except where he shall by statute be required to retain the same, within twenty-four hours from the receipt thereof, pay over the same to the Registrar of the Court, of which he is high bailiff, who shall indorse upon the warrant a memorandum of having received the same, and the high bailiff shall file such process and retain the same in his custody.

32. In cases where the high bailiff is required under the Bankruptcy Act, 1883, to hold the proceeds of an execution for fourteen days, he shall, within twenty-four hours after the completion of the levy, send to the execution creditor notice according to the form in the Appendix ‡ of the levy and of the amount realised thereunder.

33. Where the high bailiff withdraws from possession in consequence of having received notice that a receiving order in bankruptcy has been made, he shall, within twenty-four hours after such withdrawal, send to the execution creditor notice thereof according to the form in the Appendix.§

34.|| Whenever a warrant or order of committal required to be executed in a foreign district has not been executed within one month from the day of delivery, the high bailiff of the foreign Court shall, on the day after the termination of such month, make a return to the Registrar of the home Court according to the form in the Appendix,¶ and

* Form 23.

† 9 & 10 Vict. c. 95. ss. 33 and 94.

‡ Form 170. § Form 171.

|| 9 & 10 Vict. c. 95. ss. 33 and 104.

¶ Form 173.

when the same warrant or order has not been executed during the time it is in force such high bailiff shall return the same to the Registrar of the home Court within twenty-four hours from the expiration of such time, and shall indorse on such warrant or order the reason why the same could not be executed, and he shall sign such indorsement, but the high bailiff shall return such warrant or order, although unexecuted, to the home Court at any time if he shall be directed so to do by the Registrar of the home Court, and he shall at all times give such information as such Registrar may require respecting such warrant or order.

35. Where any personal property is directed to be sold by auction, detained or preserved, the high bailiff shall, if the Court so direct, superintend such sale, detention, or preservation; and where the property is to be sold by private contract, he shall carry out the directions of the Court in respect of such sale, but this rule shall not apply to an execution issued under section 94 of the County Courts Act, 1846.

36. Where a warrant shall direct the high bailiff to detain and preserve any goods or chattels, he shall take and retain possession thereof until further order be made by the Court thereon.

37. Where a warrant shall direct the high bailiff to take possession of any goods or chattels until good security be given by some party for the safe keeping, or for the payment of the value of the same in default of such safe keeping, but shall not specify the amount of such security, he shall make or cause to be made an inventory or appraisalment of the goods or chattels which he may take into his possession; and, upon receiving as a deposit the amount of such appraisalment or sufficient security, to be approved by the Registrar, for the safe custody of such goods and chattels, and for the delivery up of possession thereof upon request, shall relinquish the possession thereof on condition that the same shall be re-delivered to him or held to abide the order of the Court. If the warrant shall specify the amount of security no less deposit or security shall be sufficient.

38. Where the plaintiff sues by a solicitor, the notices referred to in Rules 5, 6, 23, 24, and 28 of this Order, shall be sent to such solicitor.

ORDER III.

PARTIES.

Generally.

1. All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally,

or in the alternative. And judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to any extra costs occasioned by so joining any person who shall not be found entitled to relief, unless the Court in disposing of the costs of the action shall otherwise direct.

2. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally, or in the alternative. And judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment.

3. It shall not be necessary that every defendant shall be interested as to all the relief prayed for, or as to every cause of action included in any proceeding against him; but the Judge or Registrar may make such order as may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in such action in which he may have no interest.

4. The plaintiff may, at his option, join as parties to the same action all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange and promissory notes.

5. Where the plaintiff is in doubt as to the person from whom he is entitled to redress, he may join two or more defendants, to the intent that the question as to which, if any, of the defendants is liable, and to what extent, may be determined as between all parties.

6. Trustees, executors, and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives, without joining any of the persons beneficially interested in the trust or estate, and shall be considered as representing such persons; but the Judge may, at any stage of the proceedings, order any of such persons to be made parties to the action, either in addition to or in lieu of the previously existing parties thereto.

7. Where there are numerous persons having the same interest in one action or matter, one or more of such persons may sue or be sued, or may be authorised, at or before the trial, by the Judge or Registrar to defend in such action or matter, on behalf or for the benefit of all parties so interested.

8. Where a defendant desires to defend on behalf or for the benefit of others having the same interest he shall within two clear days of the date of service of the summons on

him give notice to the plaintiff of his intention to apply, upon a day and hour to be named in such notice, to the Registrar for leave so to defend, and shall file an affidavit of the facts upon which he relies to obtain such leave, together with the names, addresses, and occupations of such persons, and the Registrar may thereupon make an order for the defendant so to defend, and shall add the names to that of the defendant in the plaint and minute-book, and a copy of such order shall be personally served on each of such persons and notice sent to the plaintiff according to the form in the Appendix: * Provided that the plaintiff or any of the persons whose names have been so added may at the trial object to the defendant defending on behalf of all or any of the persons as to whom such order has been made, and the Judge may thereupon, if he thinks fit, strike the name of all or any of such persons out of the proceedings, and order the defendant to pay such costs as he shall think fit.

Persons under disability.

9. Infants may sue as plaintiffs by their next friends, and may defend by their guardians appointed for that purpose, but nothing herein contained shall affect the right of any infant to sue as if he were of full age in the cases enumerated in the County Courts Act, 1846.

10. In those cases to which the Married Women's Property Act, 1882, does not apply, a married woman may sue by her next friend, nevertheless by leave of the Judge or Registrar she may sue or defend without her husband and without a next friend, on giving such security, if any, for costs, as the Judge or Registrar may require, and such leave may, in the discretion of the Judge or Registrar, be given with or without the imposition of terms, at the trial, or at any time during the course of the action or matter.

11. In all cases in which lunatics and persons of unsound mind not so found by inquisition might respectively before the 1st of November, 1875, have sued as plaintiffs or would have been liable to be sued as defendants in any action, they may respectively sue as plaintiffs in any action by their committees or next friend according to the practice of the Chancery Division of the High Court of Justice, and may in like manner defend any action by their committees or guardians appointed for that purpose.

12. In all actions or matters to which any infant or person of unsound mind, whether so found by inquisition or not, or person under any other disability, is a party, any

* Form 111.

consent as to the mode of taking evidence or as to any other procedure given by the next friend, guardian, committee, or other person acting on behalf of the person under disability, shall, with the consent of the Judge, have the same force and effect as if such party were under no disability and had given such consent. Provided that no such consent by any committee of a lunatic shall be valid as between him and the lunatic unless given with the sanction of the Lord Chancellor or Lords Justices sitting in Lunacy.

Partners.

13. Any two or more persons claiming or being liable as co-partners may sue or be sued in the name of their respective firms, if any, of which such persons were co-partners at the time of the accruing of the cause of action; and in any such case on application by any party to the action the Registrar may order a statement of the names of the persons who were at the time of the accruing of the cause of action co-partners in any such firm, to be furnished in such manner, and verified on oath or otherwise, as the Registrar may direct: Provided that where a co-partnership has been dissolved to the knowledge of the plaintiff before the commencement of the action, the summons shall be served upon every person sought to be made liable.

14. Where an action is brought by partners in the name of their firm the plaintiffs or their solicitors shall, on demand made in writing by or on behalf of any defendant, forthwith send by post to the defendant so applying and to the Registrar the names and places of residence of all the persons constituting the firm on whose behalf the action is brought. Provided, that if from the names of the members of the co-partnership not being given by the plaintiff before entering the plaint, or from any delay in giving the same upon the before-mentioned notice, the defendant is prevented or unduly delayed in making his defence, the Judge may adjourn the hearing upon such terms as he may think fit.

15. Where persons are sued as co-partners in the name of their firm, and the plaintiff desires to obtain judgment against each member of the firm, he shall, on the entry of the plaint, state the names of the persons sought by him to be made liable as co-partners in such firm, and the Registrar shall thereupon attach to the summons a notice, according to the form in the Appendix,* that if sufficient cause be not shewn at the trial the Judge will order judgment against all the

persons whose names have been so given; and the Judge may at the trial give judgment, if he thinks fit, against all the persons whose names have been inserted in such notice, and who shall have been served with the summons and notice in the manner and within the time in which an ordinary summons should be served.

16. Any person carrying on business in the name of a firm apparently consisting of more than one person may be sued in the name of such firm.

Administration and Execution of Trusts.

17. In any case in which the right of an heir-at-law or the next-of-kin or a class shall depend upon the construction which the Judge may put upon an instrument, and it shall not be known or shall be difficult to ascertain who is or are such heir-at-law or next-of-kin or class, and the Judge shall consider that in order to save expense or for some other reason it will be convenient to have the questions of construction determined before such heir-at-law, next-of-kin, or class shall have been ascertained by means of enquiry or otherwise, the Judge may appoint some one or more proper persons appearing to him on such evidence as he shall think sufficient to have a presumptive or *prima facie* claim to be regarded as heir-at-law, or one of the next-of-kin, or other class in question, to represent such heir-at-law, next-of-kin, or class, and the judgment of the Judge in the presence of such persons shall be binding upon the heir-at-law, next-of-kin, or class so represented.

18. Any residuary legatee or next-of-kin entitled to a judgment or order for the administration of the personal estate of a deceased person, may have the same without serving the remaining residuary legatees or next-of-kin.

19. Any legatee interested in a legacy charged upon real estate, and any person interested in the proceeds of real estate directed to be sold, and who may be entitled to a judgment or order for the administration of the estate of a deceased person, may have the same without serving any other legatee or person interested in the proceeds of the estate.

20. Any residuary devisee or heir entitled to the like judgment or order, may have the same without serving any co-residuary devisee or co-heir.

21. Any one of several cestuis que trust under any deed or instrument entitled to a judgment or order for the execution of the trusts of the deed or instrument, may have the same without serving any other cestui que trust.

* Form 110.

22. Any executor, administrator, or trustee entitled thereto may have a judgment or order against any one legatee, next-of-kin, or cestui que trust for the administration of the estate or the execution of the trusts.

23. The Judge may require any person to be made a party to any action or matter, and may give the conduct of the action or matter to such person as he may think fit, and may make such order in any particular case as he may think just for placing the defendant on the record on the same footing in regard to costs as other parties having a common interest with him in the matters in question.

24. Wherever, in any action for the administration of the estate of a deceased person or the execution of the trusts of any deed or instrument, or for the partition or sale of any hereditaments, a judgment or an order has been pronounced or made, the Judge may direct that any persons interested in the estate or under the trust or in the hereditaments, shall be served with notice of the judgment or order; and after such notice such persons shall be bound by the proceedings, in the same manner as if they had originally been made parties, and shall be at liberty to attend the proceedings under the judgment or order. Any person so served may, at the next sitting of the Court, after such service, or by leave of the Judge at any subsequent sitting, apply to the Judge to discharge, vary, or add to the judgment or order.

25. Where it shall be necessary to serve any parties with the notice mentioned in the last preceding rule, the same shall be prepared by the Registrar, and issued by him to the bailiff who shall serve the same, and upon such notice the party served therewith may attend the proceedings under the judgment or order.

26. Notice of a judgment or order on an infant or person of unsound mind not so found by inquisition shall be served in the same manner as a summons in an action.

27. In any action or matter to execute the trusts of a will it shall not be necessary to make the heir-at-law a party.

28. If in any action or matter it shall appear to the Judge that any deceased person who was interested in the matter in question has no legal personal representative, the Judge may proceed in the absence of any person representing the estate of the deceased person, or may appoint some proper person to represent his estate for all the purposes of the action or matter on such notice to such persons, if any, as the Judge shall think fit, either specially or generally, by public advertisement, and the order so made, and any order consequent thereon, shall bind the

estate of the deceased person in the same manner in every respect as if a duly constituted legal personal representative of the deceased had been a party to the action or matter.

29. In any action or matter for the administration of the estate of a deceased person, no party other than the executor or administrator shall, unless by leave of the Judge, be entitled to appear on the claim of any person not a party to the action or matter against the estate of the deceased person in respect of any debt or liability. The Judge may direct or give liberty to any other party to the action or matter to appear, either in addition to or in the place of the executor or administrator, upon such terms as to costs or otherwise as he shall think fit.

ORDER IV.

JOINDER OF CAUSES OF ACTION.

1. No cause of action shall, unless by leave of the Judge or Registrar, be joined with an action for the recovery of land, except claims in respect of mesne profits, or arrears of rent or double value in respect of the premises claimed, or any part thereof, or damages for breach of any contract under which the same or any part thereof are held, or for any wrong or injury to the premises claimed.

2. Claims by a trustee in bankruptcy as such shall not, unless by leave of the Judge or Registrar, be joined with any claim by him in any other capacity.

3. Subject to the two preceding rules a plaintiff may unite in the same action several causes of action, without leave of the Court.

4. Claims by or against husband and wife may be joined with claims by or against either of them separately.

5. Claims by or against an executor or administrator as such may be joined with claims by or against him personally, provided the last-mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor or administrator.

6. Claims by plaintiffs jointly may be joined with claims by them or any of them separately against the same defendant.

7. If at any time it appears or is made to appear to the Judge that any causes of action united or claims joined in any action cannot be conveniently tried and disposed of together, he may order separate trials, or may exclude any such cause of action or claim, and may order the proceedings to be amended accordingly, and may make such order as to costs as may be just.

ORDER V.

COMMENCEMENT OF ACTION.

1. All actions, suits, and proceedings which prior to 2nd of November, 1875, were required by statute or otherwise to be commenced by entry of a plaint, shall be called actions, and shall be commenced by entering a plaint and issuing a summons.*

2. Where the parties, in pursuance of section 23 of the County Courts Act, 1856, agree to try any action in a County Court, a plaint shall be entered, and a summons shall be issued thereon, as in other cases, and all the rules and practice of the Court shall apply in such cases, so far as the same are applicable. The plaintiff on entering the plaint shall file with the Registrar the memorandum of consent required by the statute.

3. Where an action can be brought to recover possession of a tenement under the provisions of the County Courts Act, 1856, no action shall be brought under the County Courts Act, 1867. Actions brought under the former Act shall be distinguished as actions for the recovery of possession, and actions under the latter Act shall be distinguished as actions for the recovery of land.

4. No plaint shall be entered without the party desiring to enter the same filing a præcipe for that purpose, such præcipe shall contain (a) the Christian name and surname, description, and residence or place of business of the plaintiff, (b) the surname, and, subject to the provisions of Rule 9 of this Order, the residence or place of business of the defendant, and (where known) his Christian name and description, the number of his house or place of business, and the name of the street in which it is situate, (c) a short statement of the cause of action, or remedy or relief sought, and the amount of the debt or damages claimed: Provided that where the intended plaintiff is illiterate and unable to furnish the required information in writing, such præcipe shall be filled up by the Registrar's clerk. If the plaint be entered by a solicitor, he shall state in such præcipe his name and place of business.

5. If the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, it shall be stated in the præcipe in what capacity the plaintiff sues or the defendant is sued.

6. Where the issue of a default summons is desired, and the plaintiff or his solicitor wishes the same to be served otherwise than by the bailiff, he shall so request in the præcipe required to be filed before the entering of the plaint.

7. Where it shall appear, on an application

for the entry of a plaint, that the plaintiff does not reside in England or Wales, the summons shall not be issued until security for costs, by deposit of money or otherwise, shall have been given to the satisfaction of the Registrar: Provided that where the plaint is entered through a solicitor, an undertaking by him, according to the form in the Appendix,* to be responsible for the costs shall be sufficient.

8. Where a person desires to enter a plaint in a Court within the district of which he does not reside, he may, instead of attending in person or by agent at the Court, transmit, free of cost, to the Registrar thereof:

(1.) A præcipe containing the information required to be given under Rule 4 of this Order, and where the claim exceeds 40s., as many copies of the particulars of his demand or cause of action as there are defendants, and an additional copy to file.

(2.) A Post Office order for the fees due upon the entry of the plaint payable to the Registrar at the post office of the town or place in which the Court is held.

(3.) An envelope addressed to himself, with a penny postage stamp thereon.

And upon the receipt of the above the Registrar shall enter the plaint, and forward the plaint note to the plaintiff in the addressed envelope. For the purpose of this rule the several districts of the Metropolitan Courts shall be considered inter se as one district only.

9. Where leave to enter a plaint under section 1 of the County Courts Act, 1867, is required, the application shall be in writing, and shall set forth the facts upon which the application is grounded, and shall be signed by the party applying. Upon the hearing of the application the Judge or Registrar, upon being satisfied by the evidence on oath adduced by or on behalf of the party that the facts are truly stated and legally justify leave being granted, may grant the leave accordingly. Where the party resides at a distance from the Court, the facts set forth in the application shall be verified by affidavit. Every order granting leave under this rule shall be according to the form in the Appendix,† and shall be signed by the Registrar in his own handwriting. The summons may be issued, although the plaintiff cannot give the present place of residence or of business of the defendant; but in that case the defendant shall be served personally, whether within the district of the home Court, or wherever else in England or Wales he may be met with.

10. Where under section 1 of the County Courts Act, 1875, the leave of the Judge or Registrar is required for the issue of a sum-

* Forms 6 and 7.

* Form 68.

† Form 15.

mons in the form or to the effect given in Schedule B. to that Act, no such leave shall be given unless the occupation and description of the defendant shall be fully set out in the affidavit given in Schedule A. to the Act, and no such leave shall be given in cases where in the affidavit it appears that the defendant is a domestic or menial servant, a labourer, a servant in husbandry, a journeyman, an artificer, a handicraftsman, a miner, or any person engaged in manual labour.*

11. Where an infant desires to commence an action (other than for wages or piece-work, or for work as a servant), or is a claimant in an interpleader proceeding, he shall procure the attendance of a next friend, at the office of the Registrar, at the time of entering the plaint or delivering the particulars of the goods and chattels alleged to be his property. The plaint shall not be entered or the particulars received until the next friend has undertaken, according to the form in the Appendix,† to be responsible for costs, and on entering into such undertaking the next friend shall be liable in the same manner and to the same extent as if he were himself the plaintiff; and the action or interpleader proceeding shall proceed in the name of the infant by such next friend, and the undertaking shall be filed by the Registrar; but no order of the Court shall be necessary for the appointment of such next friend. If the infant fail in or discontinue his action or proceeding, and do not pay the amount of costs ordered to be paid by him to the defendant, proceedings may be taken for the recovery of such amount from the next friend as for the recovery of a judgment debt.

12. Where a plaint is entered by a married woman in which her husband shall not be joined, she shall state the name, and so far as she can, the address and description of her husband; and, except in those cases to which the Married Women's Property Act, 1882, applies, she shall, unless the Judge or Registrar shall otherwise order, also procure the attendance of a next friend, who shall give the same undertaking and incur the same liability as the next friend of an infant plaintiff.

13. Where a plaintiff requiring a default summons does not desire the order upon the judgment to be for payment forthwith, he may at the time of the entry of the plaint file a notice, signed by himself or his solicitor or agent, of the time or times, and of the instalments, if any, at or by which he consents to accept payment, together with as many copies of such notice as there are defendants;‡ and a copy of such notice shall be annexed to the summons, and served therewith; and if he

neglects to file such notice he may nevertheless give notice to the Registrar to the like effect at the time of entering up judgment.

ORDER VI.

PARTICULARS AND STATEMENT OF CLAIM.

1. A plaintiff shall in all cases, at the time of the entry of the plaint, file particulars of his demand or cause of action; and where the demand exceeds fifty pounds, and the plaintiff desires to abandon the excess, the abandonment of the excess shall be entered at the end of the particulars; but this rule shall not apply where a sum sought to be recovered by ordinary summons does not exceed forty shillings.

2. In all cases in which the plaintiff in the first instance desires to have an account taken, the particulars shall contain a claim that such account be taken.

3. In all cases where the assignee of any debt or other legal chose in action sues, he shall state on his particulars the name and description of the assignor.

4. In all actions for the recovery of land, the particulars shall contain a full description of the property sought to be recovered and of the annual value thereof, and of the rent, if there be any, fixed or paid in respect thereof.

5. Where an action is brought under section 12 of the County Courts Act, 1867, whatever the amount of damages claimed may be, the plaintiff shall, at the time of the entry of the plaint, file a concise statement in writing, signed by himself or his solicitor, of his cause of action, and of the particulars thereof.

6. Where any person entitled to bring or maintain an action for the administration of the estate of any deceased person or the execution of any trust desires to submit for the determination of the Court any of the following questions or matters:—

- (a.) any question affecting the rights or interests of any person claiming to be creditor, devisee, legatee, next-of-kin, or heir-at-law, or *cestui que trust*;
- (b.) the ascertainment of any class of creditors, legatees, devisees, next-of-kin, or others;
- (c.) the furnishing of any particular accounts by the executors or administrators or trustees, and the vouching (when necessary) of such accounts;
- (d.) the payment into Court of any money in the hands of the executors or administrators or trustees;
- (e.) directing the executors or administrators or trustees to do or abstain from doing any particular act in their character

* Forms 14, 16. † Form 64. ‡ Form 20.

as such executors or administrators or trustees:

(f.) the approval of any sale, purchase, compromise, or other transaction:

(g.) the determination of any question arising in the administration of the estate or trust:

he shall in his particulars specify concisely the question or matter upon which the decision of the Court is required; and that he is willing to renounce his right to an order for a general administration of the estate or trust.

7. Where the plaintiff seeks to obtain payment or satisfaction, or relief, redress, or remedy upon more than one cause of action or claim, he shall state in his particulars the grounds of each claim separately, and shall also state separately the payment or satisfaction, relief, redress, or remedy he claims in respect of each.

8. In all actions the defendant may, within three clear days of his being served with the summons, give notice to the plaintiff that he requires further particulars, and the plaintiff shall, within two clear days of service of such notice, file full particulars of his claim, and of the relief or remedy to which he claims to be entitled, and within the same time shall deliver to the defendant a copy thereof. If the plaintiff fails to comply with such notice, or complies therewith insufficiently, the Judge before or at the trial, if satisfied that the defendant is thereby prejudiced in his defence, may order the plaintiff to file and deliver full particulars, and may adjourn the action, and stay all proceedings therein, until such order has been complied with, and may make such order as to costs as he may think fit.

9. Where the amount claimed in any case includes a fraction of a penny, such fraction shall not be entered in the books of the Court, and judgment shall not be given for any fraction of a penny.

10. The solicitor of a plaintiff suing by a solicitor shall indorse on the particulars his name, or firm, and place of business, and shall state thereon where he will accept service of proceedings in the action or matter on behalf of the plaintiff, otherwise the costs of entering the plaint by the solicitor shall not be allowed.

ORDER VII.

PLAINT NOTE AND SUMMONS.

1.* At the time of entering the plaint the Registrar shall give to the plaintiff or his solicitor or agent a note under the seal of the Court, according to the form in the Appendix.†

* 9 & 10 Vict. c. 95. s. 59. † Forms 7, 8, 9.

In the event of such note being lost or destroyed, a duplicate thereof may be given from time to time to the plaintiff, or his agent duly authorised in that behalf, upon proof by affidavit or otherwise, to the satisfaction of the Registrar, that the person applying is the plaintiff, or his agent authorised in that behalf, and that he is entitled to the money paid into Court to his credit.

Summons on Plaint.

2.* Summonses to appear to a plaint shall be according to the forms in the Appendix,† and shall be dated of the day on which the plaint was entered, and the date thereof shall be the commencement of the action.

3. Where a summons is issued by leave of the Judge or Registrar, the words "by leave of the Judge" or "by leave of the Registrar," as the case may be, shall appear on the face of the summons.

4. In all cases the particulars where required to be filed shall be annexed to the summons before service, and shall be deemed to be part thereof.

Ordinary Summons and Service.

5. An ordinary summons may be returnable either at the Court for which plaints are then being entered, or at the request of the plaintiff at any subsequent Court.

6. Where an ordinary summons has not been served, successive summonses may be issued without entering a new plaint, unless the non-service has been caused by the fact of the plaintiff having mis-stated the name of the defendant or having given a wrong or insufficient address, or of the defendant having, before the entry of the plaint, removed from the address given on the entry of the plaint, but if the bailiff shall ascertain a sufficient time before the return day that the defendant has removed to some other place within the district of the Court, he shall serve the summons at such other place, indorsing on the copy thereof the new address. Successive summonses shall bear the same date and number as the summons first issued, which date and number shall be written in red ink in the "Plaint Book," and such summonses shall be a continuance of the first summons; provided that no successive summons shall be issued on a plaint after three months from the date of entry.

7. The summons in an action brought under section 11 of the County Courts Act, 1867, to recover lands, should, in order to insure its service, be delivered to the bailiff forty clear days at least before the return-

* 9 & 10 Vict. c. 95. s. 59.

† Forms 11, 16, 17.

day, and shall be served thirty-five clear days before the return-day thereof.

8.* An ordinary summons to appear to a plaintiff (except in an action to recover lands), where it is to be served in the home district, should, in order to insure its service, be delivered to the bailiff at least twelve clear days, and where it is to be served in a foreign district fifteen clear days, before the return-day, but it shall, in either case, be served at least ten clear days' before the return-day thereof; provided that a summons may be issued and served at any time before the return-day, on production by the plaintiff to the Registrar of an affidavit shewing that the defendant is about to remove out of the ordinary jurisdiction of the Court or of that of the Court in which he then resides; and the service of such summons may be deemed good service if at the hearing the Judge is satisfied on the evidence on oath before him that such party was about to remove out of the ordinary jurisdiction of the Court, but in every such case, whether such proof be given or not, the Judge may, in his discretion, and on such terms as he shall think fit, adjourn the hearing.

9. The service of an ordinary summons, except in the cases specially provided for in this order, may be either personal, or by delivering the same to some person, apparently not less than sixteen years old, at the house or place of dwelling, or place of business, of the defendant. If the bailiff shall ascertain that the defendant has removed from the address given on the entry of the plaint to some other place within the district, he shall serve the summons at such place. A place of business shall not be deemed to be the place of business of the defendant unless he shall be the master or one of the masters thereof.

10. When an infant is a defendant in any action or matter, service on his father or guardian, or (if none) on the person with whom the infant resides or under whose care he is, shall, unless the Judge or Registrar otherwise orders, be deemed good service on the infant.

11. Where a lunatic or a person of unsound mind, not so found by inquisition, is a defendant in any action or matter, service on the committee (if any) of the lunatic, or (if none) on the person with whom the person of unsound mind resides or under whose care he is, shall, unless the Judge otherwise orders, be deemed good service on such defendant.

12. Where persons are sued as partners in the name of their firm, the summons shall

be served either upon any one or more of the partners, or at the principal place of the partnership business in England or Wales upon any person having or appearing to have at the time of service the control or management of the business there, and, subject to these rules, such service shall be deemed good service on the firm.

13. Where one person carrying on business in the name of a firm apparently consisting of more than one person, shall be sued in the firm name, the summons may be served at the principal place of business of the firm, in England or Wales, upon any person having or appearing to have at the time of service the control or management of the business there; and such service, if sufficient in other respects, shall be deemed good service on the person so sued.

14. Where husband and wife are both defendants in any action or matter, they shall both be served, unless the Judge or Registrar shall otherwise order.

15. Where a defendant is living or serving on board of any ship or vessel, it shall be sufficient service to deliver the summons to the person on board who is, at the time of such service, apparently in charge of such ship or vessel.

16. Where a defendant is residing or quartered in any barracks, and serving Her Majesty as a soldier or marine, it shall be sufficient service to deliver the summons at the barracks to the adjutant of the corps, or to any officer or sergeant of the company or troop to which such soldier or marine belongs.

17. Where a defendant is a prisoner in a gaol, it shall be sufficient service to deliver the summons at the gaol to the governor or any person appearing to be the head officer in charge thereof.

18. Where a defendant is working in any mine or other works underground, it shall be sufficient service to deliver the summons at the mine or works to the engine-man, banksman, or other person apparently in charge of the mine or works.

19. Where the defendant is employed and dwells in any lunatic or other public asylum, or in any common gaol or house of correction, it shall be sufficient service to deliver the summons to the gate-keeper or lodge-keeper of the asylum, gaol, or house of correction.

20. Where a defendant keeps his house or place of dwelling or place of business closed, in order to prevent a bailiff from serving the summons, it shall be sufficient service to affix such summons on the door of such house or place of dwelling or place of business.

21. Service of the summons in an action

to recover land may, in case of vacant possession, if it cannot otherwise be effected, be made by posting a copy of the summons upon the door of the dwelling-house or other conspicuous part of the property.

22. Where a bailiff is prevented by the violence or threats of the defendant, or of any other person in concert with him, from personally serving the summons, it shall be sufficient service to leave such summons as near to the defendant as practicable.

23. In the absence of any statutory provision regulating the service of process, service may be made on a corporation aggregate, on the mayor or other head officer, or on the town clerk, clerk, treasurer, or secretary of such corporation, and when, by any statute, provision is made for service of any writ of summons, bill, petition, summons, or other process upon any corporation, or upon any hundred, or the inhabitants of any place, or society or fellowship, or any body or number of persons, whether corporate or unincorporate, a summons may be served in the manner so provided.

24. Service of the summons may be effected on a railway company by delivering the summons to a secretary, station master, or clerk of the company, at any station or office of the company within the district of the Court in which the summons is to be served.

25. Where the summons, though not served personally, has been delivered at the house or place of dwelling or place of business of the defendant, and he does not appear, in person or by his solicitor or agent, at the return-day, the action may proceed if the Court is satisfied, on the evidence before it, that the service of such summons has come to the knowledge of the defendant before the return-day, but no such evidence shall be necessary in the cases specially mentioned in the rules 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of this Order.

26. Whenever a summons has been served in one of the modes hereinbefore mentioned, but it appears that it has come to the knowledge of the defendant less than ten clear days before the return-day, the action may, at the discretion of the Court, proceed or be adjourned, whether the defendant appears or not on such return-day.

27. Where a summons shall issue under section 18 of the County Courts Act, 1856, the same shall be served by the bailiff of the district within which the defendant dwells or carries on business, unless the Judge shall otherwise specially order; provided that this rule shall not interfere with the general power, now vested in the bailiff of the Court from which the summons has issued, to serve

the same within five hundred yards of the boundary of his district.

28. The above rules as to the service of summonses to appear to a plaintiff shall apply to the mode of service of all summonses whatsoever, except where otherwise directed by statute or by these rules.

Default Summonses and Service.

29. Default summonses shall be personally served within a period of six months from their date; but if any defendant therein named shall not have been served therewith, the plaintiff may, before the expiration of six months, apply to the Registrar, and if the Registrar is satisfied that reasonable efforts have been made to serve such defendant, or that there is some other good reason why service has been delayed, may issue a successive summons for a further period of six months, and so from time to time during the currency of the successive summonses, and such successive summonses shall be a continuance of the action on and from the day on which the plaintiff was entered.

30. A default summons may be served in any district in which the defendant may be met with by—

(a.) The bailiff of the home Court.

And when so requested at the entry of the plaintiff under Order V., Rule 6—

(b.) By the plaintiff or some clerk or servant in his permanent and exclusive employ.

(c.) By the plaintiff's solicitor, or a solicitor acting as agent for such solicitor, or some person in the employ of either of them.

Provided that, if in any case in which no request has been made at the entry of the plaintiff under Order V., Rule 6, any difficulty is experienced by the bailiff in effecting service, the summons may by leave of the Registrar be served by the plaintiff or some clerk or servant in his permanent and exclusive employ, or by the plaintiff's solicitor or the agent of such solicitor as aforesaid, or some person in the employ of either of them.

31. Where a default summons has been served otherwise than by the bailiff as in the last preceding Rule mentioned, a copy of such summons, together with an affidavit of the service thereof according to the form in the Appendix,* shall within three clear days next thereafter, or within such further time as may be allowed by the Registrar, be delivered or transmitted for filing to the Registrar of the Court issuing such summonses.

32. Where a default summons has not been returned to the Registrar within six months from the date of its issue it shall be

* Form 21.

struck out of the plaint book, unless the time for its service has been extended.

33. Where after service of a default summons has been effected on any defendant, no notice of intention to defend has been given by him, or leave to defend has not been obtained, and two months shall have expired from the date of service, judgment shall not be entered against such defendant.

34. Where a default summons has been served in due time to prevent the operation of a Statute of Limitations, and either party dies after the service and after the lapse of the period within which it is provided by the statute that an action may be brought, proceedings may be taken by or against the surviving party, or by or against the personal representative of the deceased party, within one year from the day of service of the summons.

35. A default summons may, at the request of the plaintiff, be exchanged without fee, for an ordinary summons upon the former being filed in Court within two months of its issue.

36. The provision of section 1 of the County Courts Act, 1875, as to where personal service cannot be effected, shall apply to the failure of service of a summons issued under the Bills of Exchange, Act, 1855.

ORDER VIII.

CONSOLIDATION OF ACTIONS OR STAY OF PROCEEDINGS.

1. Where several actions shall be brought by the same plaintiff against the same defendant in the same Court for or in respect of different causes of action which might in accordance with the provisions of Order IV. have been joined in one action, the defendant shall be at liberty to apply to the Judge that the said actions may be consolidated.*

2. Where several actions shall be brought by different plaintiffs against the same defendant in the same Court for or in respect of causes of action arising out of the same breach of contract, wrong or other circumstances, the defendant may,† on filing an undertaking to be bound so far as his liability in the said several actions is concerned by the decision in such one of the said actions as may be selected by the Judge apply to the Judge for an order to stay the proceedings in the actions other than in the one so selected, until judgment is given in such selected action.‡

3. Applications under the two preceding rules shall be made upon notice to the plaintiffs to be affected by any order made thereon.

* Form 116. † Form 117. ‡ Form 118.

4. Upon the hearing of any application for consolidation of actions or for stay of proceedings, the Judge shall have power to impose such terms and conditions and make such order in the matter as may be just.

5. In case a judgment in a selected action under Rule 2 of the Order shall be given in favour of the defendant, the defendant shall be entitled to his costs up to the date of the order staying proceedings against every other plaintiff whose action is stayed, unless such plaintiff shall give the Registrar within one month from such judgment written notice to set down his action for hearing, which, on the receipt of such notice, the Registrar shall forthwith do and give notice thereof to the plaintiff and defendant.

6. In case a judgment in a selected action shall be given against the defendant, the plaintiffs in the actions stayed shall be at liberty to proceed for the purpose of ascertaining and recovering their debts or damages and costs.

7. Where several actions of contract shall be brought by the same plaintiff against several defendants in the same Court, and the event of the said actions depends on the finding of the Judge or jury on some question common to all the said actions, the Judge may at any time select one of such actions for trial, and stay the proceedings in all the other actions until the judgment in the action so selected shall have been given; but unless after judgment in such selected action, the plaintiff and defendants in the other actions, or any of them, shall submit to have judgment passed and entered therein in accordance with the judgment in the action so selected, the other actions shall proceed in the same manner as if they had not been stayed, and the Registrar shall appoint days for the trial of every such action, and shall issue a notice thereof to any plaintiff or defendant applying, together with as many sealed copies as there are parties to be served, and such plaintiff or defendant shall eight clear days before the day fixed for the trial serve the same upon all the other parties to the actions.

8. Where actions shall be commenced in different Courts by parties in the same interest, upon application by any of the parties they shall be transferred to the Court in which the first plaint was entered, and shall there be proceeded with in the same way in all respects as if they had been commenced in that Court.

ORDER IX.

DISCONTINUANCE, CONFESSION, ADMISSION, AND PAYMENT INTO OR OUT OF COURT.

1. If the plaintiff desires to discontinue the

action or matter against all or any of the parties thereto, he shall give notice in writing by post or otherwise thereof to the Registrar, and to every party as to whom he so desires to discontinue the action or matter, and after the receipt of such notice the party may apply ex parte for an order against the plaintiff for the costs incurred before the receipt of such notice, and of attending the Court to obtain the order.*

2. All confessions under section 8 of the County Courts Act, 1850, shall be delivered to the Registrar five clear days before the return-day: Provided that, at any time before the action is called on, the defendant may confess and admit the claim according to the form in the Appendix,† subject, however, to an order by the Judge to pay such costs as the plaintiff has incurred in consequence of the defendant's not having delivered such confession as hereinbefore required.

3. In all cases of consent under section 9 of the County Courts Act, 1850, the defendant may confess the amount of the plaintiff's costs besides the Court fees, and the judgment may be entered accordingly, and the amount of the plaintiff's costs shall be stated separately.‡

4. Where a defendant desires to admit the truth of the statement in the plaintiff's particulars, and to submit to the judgment of the Court thereon, he may in the presence of any Registrar, or in the presence of one of his clerks, or of a solicitor, sign an admission according to the form in the Appendix§; and the signature of the defendant thereto shall be verified by affidavit, unless signed in the presence of a Registrar, or of one of his clerks.|| Such admission shall be filed at least five clear days before the return day: and the Registrar shall transmit a notice thereof by post to the plaintiff or his solicitor: and the plaintiff shall not, unless the Judge shall otherwise order, be allowed any costs incurred after the service upon him of notice of such admission in relation to the proof of the matter so admitted: Provided that the plaintiff or his solicitor shall be entitled, notwithstanding such admission, to his costs of attending on the day of trial to enter up judgment and tax his costs.

5. Any party to an action or matter may give notice in writing to any other party, that he admits the truth of the whole or of any part of the case or claim of such other party, and no costs incurred after the receipt of such notice in respect of the proof of any matters admitted therein shall be allowed; but the costs of any steps taken prior to the

receipt of such notice may be allowed if the Registrar on taxation be of opinion that they were not taken unnecessarily or prematurely.

6. Any defendant in an action to recover lands may at any time before the return-day confess the action as to the whole or any part of the lands by signing in the presence of any Registrar or one of his clerks, or of a solicitor, and attested by the person in whose presence it is signed, an admission of the title of the plaintiff to the lands or to the said part thereof, and of his right to the possession thereof; and the Registrar shall upon the receipt of such admission forthwith give notice thereof by post to the plaintiff,* and the Judge may on the return day, upon proof of the signature of the defendant to such admission by affidavit or otherwise, in case the same is not attested by a Registrar or his clerk, and without any further proof of the plaintiff's title (if no defendant other than the defendant signing such admission defends for the said lands or the said part thereof), give judgment for the plaintiff for the recovery of possession and for costs.† Provided that, if the plaintiff receive notice of such admission before the return-day, he shall not be entitled as against any defendant signing to any costs incurred subsequently to the receipt of such notice, except the costs of attending the Court on the return-day, unless the Judge shall otherwise order. Provided also that, where the admission is not signed by all the defendants defending for the said lands, or the said part thereof, the trial shall proceed against all the defendants who shall not have signed, as if no admission had been signed.

7. Any party may by notice in writing according to the form in the Appendix,‡ at any time not later than six clear days before the return day, call on any other party to admit, for the purposes of the action, matter, or issue only, any specific fact or facts mentioned in such notice. And in case of refusal or neglect to admit the same by the delivery of a written admission of the fact or facts as aforesaid,§ signed by the party, his solicitor, or agent, within three clear days before the return day, the costs of proving such fact or facts shall be paid by the party so neglecting or refusing, whatever the result of the action, matter, or issue may be, unless at the trial the Judge certify that the refusal to admit was reasonable, or unless the Judge shall at any time otherwise order. Provided that any admission made in pursuance of such notice is to be deemed to be made only for the purposes of the particular action, matter, or issue,

* Form 47. † Form 39. ‡ Form 43.
§ Form 45. || Form 46.

* Forms 219, 237. † Form 238.
‡ Form 92. § Form 93.

and not as an admission to be used against the party on any other occasion or in favour of any person other than the party giving the notice: Provided also, that the Judge or Registrar may at any time allow any party to amend or withdraw any admission so made on such terms as may be just.

8. An affidavit of the solicitor or his clerk, of the due signature of any admissions made in pursuance of this Order, shall be sufficient evidence of such admissions, if evidence thereof be required.

9. At any time after the entry of a plaint for partition, all the parties interested may attend and accept service and sign the request referred to in section 4 of the Partition Act, 1868, and their signatures shall be attested by the Registrar, or by one of his clerks. Where all the parties interested have signed the request, the order for the sale thereon may be made at the next Court to be held, although such Court may be held before the return day of the summons.*

10. Upon an order for sale being made in a partition action, the Judge shall appoint one solicitor to have the conduct of the proceedings, and no other solicitor shall be entitled to any costs incurred after such order shall have been made.

11.† Where the defendant is desirous of paying money into Court on an ordinary summons, he shall, except where otherwise expressly provided, pay the same at least five clear days before the return day, and (except where money is paid into Court under a defence of tender) with Court fees proportionate to the amount paid, and the solicitor's costs, if any; and the Registrar shall, within twenty-four hours from the time of such payment, send to the plaintiff notice thereof by post: ‡ Provided that, at any time before the return day, the defendant may pay money into Court, with such costs as aforesaid, and the Registrar shall give notice thereof to the plaintiff as aforesaid; but where money is so paid in less than five clear days before the return day, or without costs, it shall be lawful for the Judge to order the defendant to pay such fees and costs as the plaintiff shall have properly incurred for work done, and in attending the Court, but no hearing fee shall be charged.

12.§ If the plaintiff elect to accept, in full satisfaction of his claim, including costs, such money as shall have been paid into Court by the defendant, and shall send to the Registrar and to the defendant by post, or leave at the Registrar's office and at the defendant's

dwelling or place of business, a written notice,* stating such acceptance, within such reasonable time before the return day as the time of payment by the defendant has permitted, the action shall abate, and the plaintiff shall not be liable to any costs incurred by defendant after receiving such notice. But in default of such notice from the plaintiff the action may proceed.

13. Where a defendant, in an action of libel remitted under section 10 of the County Courts Act, 1867, pays money into Court under section 2 of 6 & 7 Vict. c. 96, the last two preceding rules shall apply to and be observed with reference to such payment into Court, so far as they are applicable.

14. Where a notice of defence under section 1 of the County Courts Act, 1875, has been given either as to part or the whole of the claim, and the defendant, before notice of the day fixed by the Registrar for the trial shall have been sent to the plaintiff, pays into Court the amount or a portion of the amount claimed, together with Court fees proportionate to the amount paid in, and the solicitor's costs charged on the summons, he shall not be liable for any further costs if the plaintiff accepts the money paid in as satisfaction for the whole amount claimed. Where, however, notice of trial shall have been so sent, it shall be lawful for the Court to order the defendant to pay forthwith such further fees and costs as the plaintiff may have, prior to receiving notice from the Registrar of the payment into Court, incurred in preparing for trial, and also such fees and expenses as may be incurred by him in attending the Court to obtain the order for the same.

15. A plaintiff may, in answer to a counter-claim, pay money into Court in satisfaction thereof, subject to the like conditions as to costs and otherwise as upon payment into Court by a defendant.

16. Where a defendant pays into Court any sum admitted by him to be due, he may deduct any amount he may claim as a set-off or counter-claim, but shall pay therewith Court fees proportionate to the total amount of the sum paid in, and of the sum he claims by way of set-off or counter-claim.

17. Where a defendant pays money into Court in part payment of the amount claimed, or in order that he may rely on the defence of tender, and the plaintiff does not accept in satisfaction of the action the sum so paid into Court, the money shall not be paid out until after the judgment, and any costs which shall have been awarded to the defendant shall be deducted therefrom and paid to the defendant.

* Form 71. † 9 & 10 Vict. c. 95. s. 82.

‡ Forms 102 and 103.

§ 9 & 10 Vict. c. 95. s. 82.

* Form 104.

18. Money paid into Court, whether under a judgment or order, or otherwise, shall be paid out to plaintiffs pursuant to Order II. rule 10, on production of the plaint note or the duplicate mentioned in Order VII. rule 1, and to defendants on production of the summons issued in the action. Money paid into Court by plaintiffs in replevin or under rule 15 of this Order will be paid out pursuant to Order II. rule 10, on proof to the satisfaction of the Registrar that the person applying for the same is entitled or authorised to receive the same.

19. Where money has been paid into any Court other than the Court within the district of which the party to whose credit such money has been so paid resides or carries on business, upon transmission of the plaint note, with a request and a receipt (duly stamped where necessary) by such party, the Registrar of the Court into which the money has been so paid shall transmit such money to such party by registered post letter, enclosing a crossed cheque or a Post Office order less the cost of remittance, and such remittance shall be at the risk of the said party. For the purpose of this rule the several districts of the Metropolitan Courts shall be considered *inter se* as one district only.

20. The Rules of this Order as to payment into or out of Court shall not apply to any payment into or out of Court in pursuance of any order or direction made under the provisions of the County Courts Act, 1865, or sections 24 and 26 of the County Courts Act, 1867, or the Partition Acts.

21. In any action or matter in which a sum of money has been awarded to or recovered by an infant, or person of unsound mind not so found by inquisition, the Judge may, at or after the trial, order that the whole or any part of such sum shall be paid into Court to the credit of an account intitled in the action or matter; and any sum so paid into Court may either be invested, or be paid from time to time out of Court to such person as the Judge may direct, to be held and applied for the benefit of such infant or person of unsound mind in such manner as the Judge from time to time shall direct.

ORDER X.

SPECIAL DEFENCES.

1. Where a plaintiff sues on behalf of or for the benefit of others having the same interest, the defendant may avail himself of any defence in respect of each of the persons in whose behalf or for whose benefit the plaintiff so sues which he would have had against either or any of such persons if they or he had been plaintiff.

2. A defendant in an action may set off or set up by way of counter-claim against the claims of the plaintiff any right or claim, whether such set-off or counter-claim sound in damages or not, and such set-off or counter-claim shall have the same effect as a cross-action, so as to enable the Court to pronounce a final judgment in the same action, both on the original and on the cross-claim.

3. Where the plaintiff objects in writing under the powers given by section eighteen of the Supreme Court of Judicature Act, 1884, to the Court giving any relief on any such counter-claim, then he shall give notice in writing to the Registrar and to the defendant, according to the form in the Appendix,* of his objection within two clear days after the receipt of notice of counter-claim. The plaintiff may at the time of giving such notice of objection also give notice that he will on the day fixed for the trial apply to the Judge to adjudicate upon the original claim (if such be not admitted), subject to such order as the Judge may make for the stay of execution or otherwise in reference to such original claim.

4.† In actions for the recovery of land, any person not named as a defendant in the summons may by leave of the Judge or Registrar be allowed to appear and defend on filing twelve clear days before the return-day an affidavit, together with as many copies thereof as there are plaintiffs and defendants, shewing that he is in possession either by himself or his tenant of the property or some part thereof mentioned in the particulars (such part being described in the affidavit with reasonable certainty), and upon such affidavit being filed, the Registrar shall enter the name, address, and description of the person filing the same in the plaint book as a defendant in addition to the name of every person originally made defendant; and shall ten clear days before the return-day give notice, according to the form in the Appendix,‡ by post or otherwise, to the plaintiffs and the original defendants, that the person filing the affidavit has filed the same, and will appear and defend at the trial of the action, annexing to each notice a copy of the affidavit. In all subsequent proceedings in the action the person filing the affidavit shall be named as a defendant.

5.§ In actions for the recovery of land, any defendant may twelve clear days before the return-day file with the Registrar a notice in writing, according to the form in the Appendix,|| signed by himself or his solicitor, that he intends to limit his defence to a part only

* Form 101. † 30 & 31 Vict. c. 142. s. 11.

‡ Form 217. § 30 & 31 Vict. c. 142. s. 11.

|| Form 218.

of the property mentioned in the particulars, describing that part in such notice with reasonable certainty, and the Registrar shall ten clear days before the return-day send the same by post to the plaintiff.

6. A defendant intending to avail himself of the power given by section 39 of the County Courts Act, 1856, to object to an action being tried in the County Court, shall give notice in writing to the Registrar and to the plaintiff five clear days before the return-day, by post or otherwise, according to the form in the Appendix;* and shall therein name the parties whom he proposes to be his sureties, or state therein his willingness to deposit money in lieu of giving security, and if he shall fail to give such security or make such deposit before the return-day, or shall fail to give such notice of his intention to object as aforesaid,† he shall not be entitled to object to the action being tried in the County Court.

7. Where a plaintiff avails himself of the provisions of section 68 of the County Courts Act, 1846, and does not proceed against all of several persons jointly answerable, every defendant sued may avail himself of any defence or counter-claim to which he would have been entitled if all the persons liable were made defendants.

8. Where in an action any person has been improperly or unnecessarily joined as a co-plaintiff, and a defendant has set up a set-off or counter-claim, he may obtain the benefit thereof by establishing his set-off or counter-claim as against the parties other than the co-plaintiff so joined, notwithstanding the misjoinder of such plaintiff or any proceeding consequent thereon.

9. The defendant in any action or matter may file a statement disclaiming any interest in the subject-matter thereof, or admitting or denying any of the statements in a plaintiff's particulars, or raising any question of law on such statements without admitting the truth thereof;‡ or he may therein state concisely any new fact or document upon which he intends to rely as a defence, or to bring to the notice of the Court; and a copy thereof shall be transmitted by the Registrar to the plaintiff: Provided always, that in exercising his discretion as to costs, the Judge shall consider the fact of a defendant having or not having availed himself of the powers given by this rule. This rule shall apply to a plaintiff who is defendant by counter-claim.

10. Where the defendant intends to rely upon any of the grounds of defence mentioned in Rules 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of this Order, or upon any counter-claim, he shall file a notice stating thereon

his name and address, together with a concise statement of such grounds, five clear days before the return-day;* and the Registrar shall thereupon, within twenty-four hours after receiving the same, transmit by post one copy of such notice and particulars to the plaintiff: Provided that in case of noncompliance with this and the above-mentioned rules, and of the plaintiff's not consenting at the trial to permit the defendant to avail himself of such defence, the Judge may, on such terms as he shall think fit, adjourn the trial of the action to enable the defendant to give such notice.

11. Where the defendant intends to rely upon a set-off or counter-claim against any of the claims of the plaintiff, his statement shall contain particulars of such set-off or counter-claim, and *mutatis mutandis* the provisions of Order VI. shall apply to such particulars.†

12.‡ Where a defendant intends to rely on the defence of infancy, he shall in his statement set forth, so far as he is able, the place and date of his birth.

13.§ Where a female defendant intends to rely on the defence of coverture, she shall in her statement set forth, so far as she is able, the place and date of marriage, together with the christian name and surname of her husband, and his address and description so far as known.

14.|| Where a defendant intends to rely on the defence of any statute of limitations, he shall in his statement specify the date from which he alleges that the statute began to run.

15.¶ Where a defendant intends to rely on the defence of a release under any statute relating to bankrupts, or for the relief of insolvent debtors, he shall in his statement set forth the date of his certificate, discharge, or final order, and the Court by which such certificate, discharge, or final order was granted or made.

16. Where in any action for libel or slander the defendant relies as a defence upon the fact that the libel or slander is true, he shall in his statement set forth that the libel or slander complained of is true in substance.

17. Where in any action of libel or slander the defendant does not rely as a defence upon the fact that the libel or slander is true, but relies in mitigation of damages on the circumstances under which the libel or slander was published, or the character of the plaintiff, he must in his statement give particulars of the matters relating thereto as to which he intends to give evidence.

* Form 95. † Form 94.

‡ 9 & 10 Vict. c. 95, s. 76.

§ Ibid.

|| Ibid.

¶ Ibid.

* Forms 15, 99. † Form 100. ‡ Form 98.

18. When in any action of tort the defendant relies upon any statutory defence, he shall in his statement set forth the year, chapter, and section of the statute on which he relies, or the short title thereof.

19.* Where a defendant claims to be entitled as matter of defence to any equitable estate or right, or to relief upon any equitable ground against the claim of the plaintiff, or any part thereof, he shall in his statement shew concisely the circumstances which gave rise to such defence, and set forth separately each of the grounds of equitable defence.

20. Where the defence is a tender, such defence shall not be available unless, at the time of filing the notice of such defence, the defendant makes payment into Court (which may be without costs) of the amount alleged to have been tendered.

21. Where in answer to a counter-claim the plaintiff intends to rely upon any of the defences mentioned in Rules 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of this Order, he shall file notice thereof in accordance with the said rules. All the provisions of Rule 10 of this Order, *mutatis mutandis*, shall apply to such notice, except that the provision as to the time for giving such notice shall not apply unless the plaintiff, after receipt of notice of counter-claim, might, if he had used reasonable expedition, have filed his notice five clear days before the return-day.

22. Where a defendant by his defence sets up any counter-claim which raises questions between himself and the plaintiff along with any other person, he may apply to the Judge, under Order XIV., Rule 2, to add the name of such person as a party to the counter-claim.

ORDER XI.

CLAIM FOR CONTRIBUTION, INDEMNITY, &c.

1. Where a defendant claims to be entitled to contribution or indemnity over against any person not a party to the action, he shall, five clear days before the return-day, file a notice of his claim, according to the form in the Appendix,† and the Registrar shall seal such notice and deliver it to the defendant, who shall serve the same, together with a copy of the summons on the plaintiff and of the particulars annexed thereto, upon the person against whom such claim is made; and such service shall be regulated by the rules as to service of default summonses.

2. If any person served with a notice under the last preceding Rule (hereinafter called the third party) desires to dispute the plaintiff's claim in the action as against the defendant on whose behalf the notice has been

given, or his own liability to the defendant, he must appear at the Court on the return-day mentioned in the summons, or on any day to which he may have received notice from the Registrar that the trial has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of the judgment obtained against such defendant, whether obtained by consent or otherwise, and his own liability to contribute or indemnify, as the case may be, to the extent claimed in the said notice, and in case the action is tried and results in favour of the plaintiff the Judge may, at or after the trial, enter such judgment as the nature of the case may require for the defendant giving the notice against the third party; provided that execution thereon shall not be issued without leave of the Judge or Registrar until after satisfaction by such defendant of the judgment against him, and if the action is finally decided otherwise than by trial, the Judge may, on application by motion, order such judgment, as the nature of the case may require, to be entered for the defendant giving the notice against the third party at any time after satisfaction by the defendant of the amount recovered against him.

3. Any third party, or the defendant in the action, may apply at or before the trial to the Judge for directions, and the Judge, upon the hearing of the application, may, if satisfied that there is a question proper to be tried as to the liability of the third party to make the contribution or indemnity claimed in whole or in part, order the question of such liability as between the third party and the defendant giving the notice to be tried in such manner at or after the trial of the action as the Judge may direct, and if not so satisfied may order such judgment as the nature of the case may require to be entered in favour of the defendant giving the notice against the third party, or the Judge may, if it shall appear desirable so to do, give the third party leave to defend the action upon such terms as may be just, or to appear at the trial and take such part therein as may be just, or he may order such person to be substituted for, or to be joined with, the defendant in the action, upon such terms as to security or otherwise as may be just, and generally may direct such proceedings to be taken and give such directions as he shall think proper.

4. The Judge may decide all questions of costs, as between a third party and the other parties to the action, and may order any one or more to pay the costs of any other or others, or give such direction as to costs as the justice of the case may require.

5. Where a defendant claims to be entitled to contribution or indemnity against any

* 36 & 37 Vict. c. 66. s. 89. † Form 105.

other defendant to the action, a notice may be issued and the same procedure shall thereupon be adopted, for the determination of such questions between the defendants, as would be issued and taken against such other defendant, if such last-mentioned defendant were a third party: but nothing herein contained shall prejudice the rights of the plaintiff against any defendant in the action.

ORDER XII.

INTERLOCUTORY AND INTERIM ORDERS AND PROCEEDINGS.

1. When by any contract a *prima facie* case of liability is established, and there is alleged as a matter of defence a right to be relieved wholly or partially from such liability, the Judge may make an order for the preservation or interim custody of the subject-matter of the litigation, or may order that the amount in dispute be brought into Court or otherwise secured.

2. It shall be lawful for the Judge, or in his absence the Registrar, upon the application of any party to any action or matter pending in the Court, to make any order for the sale, by any person named in such order, and in such manner and on such terms as the Judge or Registrar may think desirable, of any goods, wares, or merchandise which may be of a perishable nature or likely to injure from keeping, or which incur charges for food or keep, or which for any other just and sufficient reason it may be desirable to have sold at once.

3. It shall be lawful for the Judge, or in his absence the Registrar, upon the application of any party to an action or matter, and upon such terms as may be just, to make any order for the detention, preservation, inspection, surveying, or measuring of any property or thing, being the subject of such action or matter, or as to which any question may arise therein, and for all or any of the purposes aforesaid to authorise any persons to enter upon or into any land or building in the possession of any party to such action or matter, and for all or any of the purposes aforesaid to authorise any samples to be taken, or any observation, plan, or model to be made or experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence.

4. Where an order is made for inspecting, surveying, measuring, weighing, making any experiment, or for taking any sample, or making any plan or model, by any person to be named therein, such order may include an order for the Registrar or some other person to be named therein, to examine upon oath

and take the deposition of the person so named, as to such measure, weight, or inspection, or the correctness of such survey, or the result of such experiment, or the fairness of such samples, or the accuracy of such plan or model, and such order may also empower any or either party to give the deposition so taken in evidence upon any trial or proceeding.

5. Where any party desires before the trial an immediate order upon any of the matters following (that is to say), an order in the nature of an injunction, or an order for the appointment of a receiver, or for taking any accounts (whether the particulars pursuant to Order VI., Rule 2, claim such accounts, or the claim in the particulars involves taking such accounts), or for making any enquiries, or any order under any of the previous Rules of this Order,* he may file an application for such order, and apply to the Judge, either in or out of Court, upon affidavits setting forth the facts rendering such order immediately necessary.

6. Where an action is brought, or a defendant in his statement of defence seeks by way of counter-claim, to recover specific property other than land, and the party from whom such recovery is sought does not dispute the title of the party seeking to recover the same, but claims to retain the property by virtue of a lien or otherwise as security for any sum of money, the Judge, upon being satisfied by affidavit or otherwise of the existence of such lien or security, may order that the party seeking to recover the property be at liberty to pay into Court, to abide the event of the action, the amount of money in respect of which the lien or security is claimed, and such further sum (if any) for interest and costs as such Judge may direct, and that upon such payment into Court being made, the property be given up to the party seeking to recover it.

7. The draft of all orders under the last two preceding rules shall be prepared beforehand by the party applying, and be settled by the Registrar, and when the party makes such application he shall present the draft order to the Judge for his approval, and the Judge if he approves thereof shall sign the same.†

8. The draft so signed shall be transmitted by the applicant to the Registrar, who shall seal and file the same, and issue a copy thereof under the seal of the Court to the bailiff or the party's solicitor for service.

9. Where the residence or place of business of a defendant is more than twenty miles distant from the Court in which the plaint is entered,

* Form 290.

† Form 291.

he may, not later than four clear days from the date of service of the summons thereon, forward by registered post letter to the Registrar of such Court an affidavit disclosing a good defence upon the merits to the action. The Registrar, upon receipt of such affidavit, if satisfied that it discloses such a defence, shall forthwith by notice, according to the form in the Appendix, call upon the plaintiff to deposit in Court, within two clear days from the date of the notice, such a sum as the Registrar may, having reference to all the circumstances of the case, therein direct. The Registrar shall, where the deposit is made or not made, or the affidavit does not disclose a defence, send notice according to the forms in the Appendix* to the defendant, and where the deposit is not duly made the action shall be struck out.

10. The Judge may, at any stage of the proceedings in an action or matter, direct any necessary enquiries or accounts to be made or taken,† notwithstanding that it may appear that there is some special or further relief sought or some special issue to be tried, as to which it may be proper that the action or matter should proceed in the ordinary manner.

11. Where by these rules any interlocutory application is expressly or by reasonable intendment directed to be made to the Judge, or to the Judge or Registrar, or to the Registrar, then subject to the provisions of the particular rule applicable thereto, and so far as the same shall not be inconsistent therewith, the following provisions shall apply:—

(a.) The application shall be made *ex parte*, and either in or out of Court;

(b.) No affidavit in support shall be necessary, but the Judge or Registrar may, if he shall think fit, adjourn the hearing of the application and order affidavits in support to be filed;

(c.) The Judge or Registrar, upon the hearing or adjourned hearing of the application, may make an order absolute in the first instance, or to be absolute at any time to be ordered by him, unless cause be shewn to the contrary, or may make such other order or give such directions as may be just;

(d.) The Judge or Registrar shall give such directions or make such order as to costs as he may think fit. No costs of or incident to the application shall be allowed to the applicant on taxation without such directions or order;

When the application is made to the Registrar the following additional provisions shall apply:—

(e.) The Registrar may, if in doubt as to the proper order to be made, refer the matter to the Judge forthwith, or at the next Court day, or at the trial;

(f.) The Judge may vary or rescind any order made by the Registrar, and may make such order as may be just, and if necessary adjourn the trial.

12. The Judge or Registrar may at any time postpone the trial of any action or matter upon the joint application of the parties. No hearing fee shall be paid where the order is made before the case is called on for trial, but no second or subsequent postponement shall be granted until the hearing fee be paid.

13. Where in any action or matter interlocutory proceedings are contemplated or pending which cannot be concluded in time to enable the parties to prepare for the trial of such action or matter on the day fixed for the same, the Judge or Registrar may, upon the application of any party, and upon being satisfied that such interlocutory proceedings are necessary and proper, make an order postponing such trial upon such terms as to costs or otherwise as he shall think fit, and such order shall be served upon the other party.

14. Where it appears to the Judge or Registrar that from the course of proceedings in any action or matter the trial cannot be held on the return-day, he may postpone the trial until such other day as the state of the proceedings requires, and notice of such postponement shall be given by the Registrar to all parties and persons interested.*

15. When anything required by the practice of the Court to be done by either party, before or during the trial, has not been done, the Judge or Registrar may, in his discretion, and on such terms as he shall think fit, adjourn the trial to enable the party to comply with the practice.

ORDER XIII.

RECEIVER.

1. Where before, at, or after the trial of any action it appears to the Judge expedient that a receiver be appointed, such appointment shall be made whether the same be asked as part of the relief in the plaint or not.†

2. Every receiver appointed by the Judge, other than the high bailiff, shall give such security to the Registrar for the faithful discharge of his duties, and the payment over of money, as the Judge shall direct.‡

3. The receiver shall submit his accounts

* Forms 106, 107, 108.

† Form 261.

* Form 144. † Forms 256, 257. ‡ Form 260.

to the Registrar, and the Registrar shall audit the same, as soon as conveniently may be after the realisation of the assets, and immediately after such audit the receiver shall pay over to the Registrar the balance found thereby to be in his hands. The account shall be written on foolscap paper bookwise, and the items of every account shall be numbered consecutively, and the account shall be verified by affidavit and be therein referred to as an exhibit.

4. The Registrar may require any receiver to produce any receipt, accounts, and vouchers necessary for verifying the accounts, and may disallow any item not proved to his satisfaction.

5. The receiver shall, at any time before the complete realisation of the assets, produce his accounts to be audited upon receiving seven days' notice in writing from the Registrar so to do, and such notice may be sent by post or otherwise to the address of the receiver.*

6. Where the duties of the receiver are continuous, no longer period than one year shall in any case be allowed to intervene between each audit.

7. In no case shall it be necessary for any party to attend at the audit of the receiver's account, but where a party is dissatisfied with a receiver's account he may apply to the Judge or Registrar for a revision of the Registrar's allowances.

8. The Judge may order the receiver to pay over, at such time or from time to time as he shall think fit, to the party entitled to the beneficial interest therein, or to the guardian of any infant, any yearly or other accruing rents or interest instead of paying the same into Court, and to take credit for such payments in his accounts when audited.†

ORDER XIV.

AMENDMENT.

1. Where an action or matter has been commenced in the name of the wrong person as plaintiff or otherwise, or where it is doubtful whether it has been commenced in the name of the right person, the Judge, if satisfied that it has been so commenced through a bona fide mistake, and that it is necessary for the determination of the real matter in dispute so to do, may order such other person to be substituted or added as plaintiff or otherwise upon such terms, as to notice and otherwise, as may be just.

2. No action or matter shall be defeated by reason of the misjoinder or nonjoinder of parties, and the Judge may in every action

or matter deal with the matter in controversy so far as regards the rights and interests of the parties actually before him. The Judge or Registrar may, at any stage of the proceedings, either upon or without the application of either party, and on such terms as may be just, order that the names of any parties improperly joined, whether as plaintiffs or as defendants, be struck out, and that the names of any parties be added, whether plaintiffs or defendants, who ought to have been joined, or whose presence before the Judge may be necessary in order to enable him effectually and completely to adjudicate upon and settle all the questions involved in the action or matter. No person shall be added as a plaintiff suing without a next friend, or as the next friend of a plaintiff under any disability, without his own consent in writing thereto. Every person whose name is so added as defendant shall be served with a notice in manner hereinafter mentioned, and the proceedings as against such party shall be deemed to have begun only on the service of such notice.*

3. Where it appears at the trial that a less number of persons have been made plaintiffs than by law required, the name of the omitted person may, at the instance of either party, be added, by order of the Judge, on such terms as he shall think fit, and thereupon the action shall proceed, in all respects, as if the proper persons had been originally made parties; and if such person shall, either at the trial or at some adjournment thereof, personally or by writing, signed by him or his solicitor, consent to become a plaintiff in manner aforesaid, the Judge shall then pronounce judgment as if such person had originally been made a plaintiff; but if such person shall not consent to become a plaintiff in manner aforesaid, either at the trial or at the adjournment thereof, the action or matter shall be struck out.

4. Where a person other than the defendant appears at the trial, and admits that he is the person whom the plaintiff intended to charge, or ought to have charged, his name may be substituted for that of the defendant, if the plaintiff consents, and thereupon the action shall proceed, in all respects, as if such person had been originally named in the summons, and the costs of the person originally named as the defendant shall be in the discretion of the Judge.

5. Where a party sues or is sued in a representative character, but it appears that he ought to have sued or been sued in his own right, the Judge may, at the instance of either party, on such terms as he shall think

* Form 258.

† Form 259.

* Form 109.

fit, amend the proceedings accordingly, and thereupon the action shall proceed, in all respects, as if the proper description of the party had been given in the summons.

6. Where a party sues or is sued in his own right, but it appears that he ought to have sued or been sued in a representative character, the Judge may, at the instance of either party, on such terms as he shall think fit, amend the proceedings accordingly, and thereupon the action shall proceed, in all respects, as if the proper description of the party had been given in the summons.

7. Where the name or description of a plaintiff in the summons is insufficient or incorrect, it may be amended at the instance of either party by order of the Judge, on such terms as he shall think fit, and thereupon the action shall proceed, in all respects, as if the name or description had been originally such as it appears after the amendment has been made.

8. Where the name or description of a defendant in the summons is insufficient or incorrect, it may be amended at the instance of either party by order of the Judge, on such terms as he shall think fit, and thereupon the action shall proceed, in all respects, as if the name or description had been originally such as it appears after the amendment has been made; but if no objection is taken to the name or description the action may proceed, and in the judgment, and all subsequent proceedings founded thereon, the defendant may be named and described in the same manner.

9. In actions or matters by or against a husband, if a wife or husband be improperly joined or omitted, or if one of them be improperly substituted for the other, the summons may at the trial be amended at the instance of either party by order of the Judge, on such terms as he shall think fit, and thereupon the action shall proceed, in all respects, as if the proper person had been made party to the action.

10. Where two or more persons are made defendants and some of them have not been served, the names of the defendants who have not been served, may, at the instance of either party, be struck out by order of the Judge, on such terms as he shall think fit; and thereupon the action shall proceed, in all respects, as if the parties whose names have not been struck out had alone been made defendants, or it may be adjourned for service upon any defendant not served.

11. Any application under any of the Rules of this Order may be made before the trial to the Judge or Registrar, or at the trial to the Judge.

12. Where a defendant is added or substi-

tuted, except where the defendant is substituted under Rule 4 of this Order, an order shall be drawn up, and, together with a copy of the summons, and a notice according to the form in the Appendix as to the day upon which he is to attend at the Court, be served according to the rules as to service of ordinary summonses.*

13. A plaintiff may file and deliver amended particulars of demand, and a defendant, whether by original action, counter-claim, or otherwise, may file and deliver an amended notice or particulars of any special defence set up or intended to be set up by him under Order X., Rule 10, at any time before the return-day without obtaining any order for the purpose; but the Judge at the trial, if satisfied that the opposite party has not had a reasonable opportunity of preparing his case to meet any new matter introduced by such amendment, or for any sufficient cause, may disallow the amendment, or may adjourn the trial, and may make such order as to costs as he may think fit.

14. The Registrar when acting under the provisions of sections 16 and 17 of the County Courts Act, 1867, shall have the same power as the Judge has of amending the proceedings in any action.

ORDER XV.

APPLICATION FOR DIRECTIONS.

1. In any action or matter any party may at any time apply to the Judge or Registrar for a postponement of the trial (if the day of trial has been fixed) and for general directions with respect to the following matters and proceedings, particulars of claim or counter-claim, special defence, payment into Court, discovery (including interrogatories), examination of witnesses before the trial, mode of trial, and any other matter or proceeding in the action or matter previous to trial; and the Judge or Registrar, if satisfied that from the nature of the action or matter the directions asked for, or some of them, are necessary, may make an order giving directions as to all or any of such matters or proceedings as may be just, whether applied for or not, and if necessary postpone the trial.

Such order shall be according to the form in the Appendix,† with such variations as circumstances may require.

2. An application under the last preceding Rule shall be made upon giving three clear days' notice in writing to every party to the action or matter who may be affected thereby; such notice shall be according to the

* Form 109.

† Form 79.

form in the Appendix,* with such variations as circumstances may require, and shall include, so far as is practicable, all or as many of the above-mentioned matters and proceedings as, having regard to the nature of the action or matter, can conveniently be dealt with by the order of the Judge or Registrar.

3. Upon the hearing of the application any party who has been served with notice thereof shall be at liberty to apply for any order or directions as to any of the above-mentioned matters or proceedings which he may desire, and thereupon the Judge or Registrar may either make such order and give such directions respecting the same as may be just, or may adjourn the consideration of the same, and direct any necessary notice to be given.

4. If upon any other application as to any of the above-mentioned matters or proceedings it shall appear to the Judge or Registrar that the application is one that could and ought to have been included in the general application for directions, such application shall be granted only at the costs of the party making the same.

5. If the trial is adjourned generally by the order giving directions, any party may apply, on giving three days' notice to the other party, to have the action or matter set down for trial, or, by consent of all parties, the same may be set down at any time and for any Court which the state of business, in the opinion of the Registrar, may allow.

6. Whenever an action or matter is set down for trial under the last preceding Rule, the Registrar shall issue to the party applying to set the same down a notice in the form in the Appendix,† and as many sealed copies thereof as there are parties to be served; and such party shall serve the same upon all other parties to the action or matter eight clear days before the day fixed for the trial, unless otherwise ordered.

ORDER XVI.

DISCOVERY AND INSPECTION.

1. Either party to an action or matter may, without filing an affidavit, by leave of the Judge or Registrar, deliver interrogatories in writing for the examination of any one or more of the opposite parties, and such interrogatories when delivered shall have a note at the foot thereof, stating which of such interrogatories each of such parties is to answer: Provided that interrogatories which do not relate to any question in the action or matter shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.

* Form 78.

† Form 80.

2. If leave be granted, an order shall be drawn up by the Registrar and served. Such order shall be according to the form in the Appendix,* and shall specify the number of days within which the interrogatories are to be delivered by the applicant, and also the time within which the affidavit in answer is to be filed.

3. In deciding upon any application for leave to exhibit interrogatories, the Judge or Registrar shall take into account any offer which may be made by the party sought to be interrogated, to deliver particulars, or to make admissions, or to produce documents relating to the subject in question, or any of them; and also consider whether the application has been made too early in the proceedings in the action or matter, or too late to allow of the answers being used at the hearing.

4. In adjusting the costs of the action or matter enquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the Registrar on taxation or of the Judge, either with or without an application for enquiry, that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.

5. Interrogatories shall be according to the form in the Appendix,† with such variations as circumstances may require.

6. If any party to an action or matter be a body corporate or a joint-stock company, whether incorporated or not, or any other body of persons, empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member or officer of such corporation, company, or body, and an order may be made accordingly.

7. Any objection to answer any one or more of several interrogatories, on the ground that it or they is or are scandalous or irrelevant, or not *bona fide* for the purpose of the action or matter or that the subjects enquired into are not sufficiently material at that stage, or on any other ground, may be taken in the affidavit in answer.

8. Interrogatories shall be answered by affidavit according to the form in the Appendix‡ with such variations as circumstances may require. Such affidavit shall be filed and a copy thereof delivered to the party interrogating within the time named in the order giving leave to interrogate.

* Form 83.

† Form 84.

‡ Form 85.

9. If any person interrogated omits to answer, or answers insufficiently, the party interrogating, after giving to such person two clear days' notice of the time and place at which he intends to apply, may apply to the Judge for an order requiring him to answer, or to answer further, as the case may be. And an order may be made requiring him to answer, or to answer further, either by affidavit or by *viva voce* examination, as the Judge may direct.*

10. Any party to any action or matter may, without filing any affidavit, apply to the Judge or Registrar for an order directing any other party to the action or matter to make discovery on oath of the documents which are or have been in his possession or power, relating to any question therein.† On the hearing of such application the Judge or Registrar may either refuse or adjourn the same, if satisfied that such discovery is not necessary or not necessary at that stage of the action or matter, or make such order, either generally or limited to certain classes of documents, as he may, in his discretion, think fit.

11. The affidavit to be made by a party against whom such order as is mentioned in the last preceding Rule has been made, shall specify which, if any, of the documents therein mentioned he objects to produce, and on what grounds, and it shall be according to the form in the Appendix,‡ with such variations as circumstances may require. Such affidavit shall be filed, and a copy thereof delivered to the party who obtains the order within the time named in the order.

12. It shall be lawful for the Judge or Registrar, at any time during the pendency of any action or matter, to order the production upon oath, by any party thereto, of such of the documents in his possession or power, relating to any question in such action or matter, as the Judge or Registrar shall think right; and the Judge or Registrar may deal with such documents, when produced, in such manner as may be just.§

13. Every party to an action or matter shall be entitled, at any time, by notice in writing, to give notice to any other party, in whose particulars, notices, or affidavits reference is made to any document, to produce such document for the inspection of the party giving such notice, or of his solicitor, and to permit him or them to take copies thereof; || and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence on his behalf in

such action or matter, unless he shall satisfy the Judge that such document relates only to his own title, he being a defendant to the action or matter, or that he had some other cause or excuse which the Judge shall deem sufficient for not complying with such notice; in which case the Judge may allow the same to be put in evidence on such terms as to costs and otherwise as the Judge shall think fit.

14. Notice to any party to produce any documents under the last preceding Rule shall be according to the form in the Appendix,* with such variations as circumstances may require.

15. The party to whom such notice is given shall, within two days from the receipt of such notice, if all the documents therein referred to have been set forth by him in such affidavit as is mentioned in Rule 11 of this Order, or if any of the documents referred to in such notice have not been set forth by him in any such affidavit, then within four days from the receipt of such notice, deliver to the party giving the same a notice stating a time within three days from the delivery thereof at which the documents, or such of them as he does not object to produce, may be inspected at the office of his solicitor, or in the case of bankers' books or other books of account, or books in constant use for the purposes of any trade or business, at their usual place of custody, and stating which (if any) of the documents he objects to produce, and on what grounds. Such notice shall be according to the form in the Appendix,† with such variations as circumstances may require.

16. If the party served with notice under Rule 15 of this Order omits to give such notice of a time for inspection or objects to give inspection, or offers inspection elsewhere than is provided by such rule, the Judge or Registrar may, on the application of the party desiring it, make an order for inspection in such place and in such manner as he may think fit; ‡ and, except in the case of documents referred to in the particulars, notices, or affidavits of the party against whom the application is made, or disclosed in his affidavit of documents, such application shall be founded upon an affidavit shewing of what documents inspection is sought, that the party applying is entitled to inspect them, and that they are in the possession or power of the other party.

17. In any pending action or matter an order upon the lord of a manor to allow limited inspection of the court rolls may be

* Form 86. † Form 81. ‡ Form 82.

§ Form 87. || Form 88.

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*Form 88. † Form 89. ‡ Form 87.

made on the application of a copyhold tenant supported by an affidavit that he has applied for inspection, and that the same has been refused.

18. In any action against or by a high bailiff in respect of any matters connected with the execution of his office, the Judge or Registrar may, on the application of either party, order that the affidavit to be made in answer either to interrogatories or to an order for discovery shall be made by the officer actually concerned.

19. If any party fails to comply with an order to answer interrogatories, or for discovery or inspection of documents, he shall be liable to attachment.

20. In every action or matter, the costs of discovery, by interrogatories or otherwise, shall, unless otherwise ordered by the Judge or Registrar, be secured in the first instance as provided by Rule 21 of this Order, by the party seeking such discovery, and shall be allowed as part of his costs, where, and only where, such discovery shall appear to the Judge at the trial, or, if there is no trial, to the Registrar on taxation, to have been reasonably asked for.

21. Any party seeking discovery by interrogatories shall, before delivery of interrogatories, pay into Court the sum of 20s., and, if the number of folios exceeds five, the further sum of 2s. for every additional folio. Any party seeking discovery otherwise than by interrogatories shall, before making application for discovery, pay into Court the sum of 20s. The party seeking discovery shall, with his interrogatories or order for discovery, serve a copy of the receipt for the said payment into Court. The party from whom discovery is sought shall not be bound to answer or make discovery unless and until the said payment has been made.

22. Unless the Judge shall otherwise order, the amount paid in under the last preceding rule in any action or matter, shall after the action or matter has been finally disposed of be paid out to the party by whom the same was paid in on his request, or to his solicitor on such party's written authority, in the event of the costs of the action or matter being adjudged to him, but, in the event of his being ordered to pay the costs of the action or matter, the amount in Court shall be subject to a lien for the costs ordered to be paid to any other party. Provided that, when the action or matter has been finally disposed of otherwise than by adjudication no taxation of costs shall be required, and the Registrar shall, on being satisfied that the party by whom the amount was paid in is entitled thereto, pay out the same to such party or his solicitor.

ORDER XVII.

CHANGE OF PARTIES.

1. An action or matter shall not become abated by reason of the marriage, death, or bankruptcy of any of the parties, if the cause of action survive or continue, and shall not become defective by the assignment, execution, or devolution of any estate or title *pendente lite*, and whether the cause of action survives or not, there shall be no abatement by reason of the death of either party between the verdict or finding of the issues of fact and the judgment, but judgment may in such case be entered notwithstanding the death.

2. Where by reason of any event occurring after the commencement of any action or matter, there shall be any assignment, creation, change, transmission, or devolution of the interest, estate, or title of any plaintiff in any action or matter before judgment, the person to or upon whom such interest, estate, or title has come or devolved may give notice thereof to the Registrar according to the form in the Appendix,* with his name and address, together with an affidavit of the truth of the fact stated in such notice. And thereupon the Registrar shall cause a copy of such notice to be served by post upon the defendant in the action or matter,† and a further notice that unless upon a day to be named therein he appears and shews cause against the same, the person to or upon whom such interest, estate, or title has come or devolved will be substituted for, or made a joint plaintiff with, the plaintiff named in the original summons.

3. Where by reason of any event occurring after the commencement of any action or matter, there shall be any assignment, creation, change, transmission, or devolution of the liability, interest, estate, or title of any defendant, in any action or matter before judgment, the plaintiff or the defendant, or the person to or upon whom such liability, interest, estate, or title has come or devolved, may in like manner give notice to the Registrar, who shall take proceedings thereon similar to those prescribed by the last preceding Rule, and a defendant may be substituted or added, as the case may be, in manner similar to that provided in such rule for the substitution or addition of a plaintiff.

4. Where by reason of any event occurring after the commencement of any action or matter, and causing a change or transmission of interest or liability, or by reason of any person interested coming into existence after the commencement of the action or matter,

* Form 112.

† Form 113.

it becomes necessary or desirable that any person not already a party should be made a party, or that any person already a party should be made a party in another capacity, an order that the proceedings shall be carried on between the continuing parties and such new party may be obtained,* before or at the trial, on application to the Judge or Registrar, upon an allegation of such change or transmission of interest or liability, or of such person interested having come into existence.

5. An order obtained as in the last preceding Rule mentioned shall, unless the Judge or Registrar shall otherwise direct, be served upon the continuing parties, or their solicitors, and also upon each such new party, unless the person making the application be himself the only new party,† and the order shall from the time of such service, subject nevertheless to the next two following Rules, be binding on the persons served therewith, and every person served therewith who is not already a party to the action or matter shall be bound to appear at the trial, and in the same manner as if he had been served with a summons or petition.

6. Where any person being under no disability or under no disability other than coverture, or being under any disability other than coverture but having a guardian *ad litem* in the action or matter, shall be served with such order as mentioned in Rule 3 of this Order, such person may at or before the trial apply to the Judge or Registrar to discharge or vary such order.

7. Where any person being under any disability other than coverture, and not having a guardian *ad litem* in the action or matter, is served with any order as mentioned in Rule 3 of this Order, such person may before or at the trial apply to the Judge or Registrar to discharge or vary such order.

8. When the plaintiff or defendant in an action or matter dies, and the cause of action survives, but the person entitled to proceed fails to appear on the return day, the trial may be adjourned or judgment entered for the defendant, or (as the case may be) for the person against whom the action or matter might have been continued; and in such case if the plaintiff has died execution may issue, as provided by Order XXV., Rule 9.

9. Where a plaintiff or a defendant is substituted or added under any of the Rules of this Order, the minute-book shall be altered, and all subsequent proceedings carried on under the altered title.

10. This Order shall not apply to any case expressly provided for by section 62 of the County Courts Act, 1856.

ORDER XVIII.

EVIDENCE.

1. Summonses to witnesses, to be served either in the home or in any foreign district, may be issued without leave, and may, by leave of the Judge or Registrar,* be issued in blank and served by the party applying for the same or by his solicitor, or by some person in the permanent and exclusive employment of the party or his solicitor, but in any such case only one name shall be inserted in such summons.

2. It shall be sufficient if a summons to a witness be served a reasonable time before the return-day; and such summons shall be deemed to have been properly served if it has been served in the manner directed in Order VII. for service of an ordinary summons.

3. Except where otherwise provided by these Rules, the evidence of witnesses shall be taken orally on oath; and where by these Rules evidence is required or permitted to be taken by affidavit such evidence shall nevertheless be taken orally on oath if the Judge or Registrar shall, on any application at or before the trial, so direct.

4. Where a witness served with a summons containing a direction for the production of any documents at the trial shall not produce the same, the Judge may, upon admission or proof that the summons was served within a reasonable time, and that such documents are in the possession or power or under the control of the party so served, and that they relate to the matter then pending before him, make an order for their production by the witness,† and may deal with them, when produced, and with all costs occasioned by their non-production, as may be just: Provided that nothing herein shall prevent the receiving of secondary evidence where admissible.

5. Where a party desires to give in evidence any document, he may, not less than five clear days before the trial, give notice to any other party in the action or matter who is competent to make admissions requiring him to inspect and admit such document; and if such other party shall not within three days after receiving such notice make such admission, any expense of proving the same at the trial shall be paid by him, whatever may be the result, unless the Court shall otherwise order;‡ and no costs of proving any document shall be allowed unless such notice shall be given, except in cases where, in the opinion of the Registrar, on taxation, the omission to give such notice has been a saving of expense.

* Form 114.

† Form 114.

* Forms 145, 146. † Form 148. ‡ Form 90.

6. Notice to admit or to produce documents shall be according to the forms in the Appendix,* with such variations as circumstances may require.

An affidavit by the party, his solicitor, or the clerk of either, of the service of any notice to admit or to produce, and of the time when it was served, with a copy of the notice to admit or to produce, shall in all cases be sufficient evidence of the service of the notice, and of the time when it was served.

7. If a notice to admit or produce comprises documents which are not necessary, the costs occasioned thereby shall be borne by the party giving such notice.

8. Where any documents which would, if duly proved, be admissible in evidence are produced to the Court from proper custody, they shall be read without further proof, if, in the opinion of the Judge, they appear genuine, and if no objection be taken thereto; and if the admission of any documents so produced be objected to, the Judge may adjourn the hearing for the proof of the documents, and the party objecting shall pay the costs caused by such objection, in case the documents shall afterwards be proved, unless the Judge shall otherwise order.

9. Where an instrument which may be legally stamped after its execution is produced as evidence, and the same shall be unstamped or insufficiently stamped, it shall not be received in evidence until the party desirous of giving the instrument in evidence shall produce to the Court the receipt of the Registrar for the amount of the unpaid duty, and of the penalty payable by law on stamping the same, and of the sum of one pound.

10. Where a party desires to use at the trial an affidavit by any particular witness, or an affidavit as to particular facts, he may, five clear days before the trial, give a notice, with a copy of such affidavit annexed, to the party against whom such affidavit is to be used; and unless such last-mentioned party shall within two clear days give notice to the other party that he objects to the use of such affidavit, he shall be taken to have consented to the use thereof, unless the Judge shall otherwise order.

11. All documentary evidence taken at the trial of any action or matter may be used in any subsequent proceedings in the same action or matter.

12. Any party may, at the trial of an action or matter, use in evidence any one or more of the answers, or any part of an answer, of the opposite party to interroga-

tories without putting in the others: Provided always, that in such case the Judge may look at the whole of the answers, and if he shall be of opinion that any others of them are connected with those put in, he may direct them to be put in.

13. Affidavits and depositions shall be read as the evidence of the person by whom they are used.

Examinations.

14. The Judge may, in any action or matter where it shall appear necessary for the purposes of justice, make any order for the examination upon oath before the Judge or any officer of the Court, or any other person and at any place in England or Wales, of any witness or person,* and may empower any party to any such action or matter to give such deposition in evidence therein on such terms, if any, as the Judge may direct.

15. Where the witness mentioned in the last preceding Rule resides out of the jurisdiction of the Court, the Judge may appoint the Registrar of the Court in the district of which the witness resides to take the examination.

16. The Judge may in any action or matter at any stage of the proceedings order the attendance of any person for the purpose of being examined or of producing to or before any examiner any documents which the Judge may think fit to be produced: Provided that no person shall be compelled to produce under any such order any writing or other document which he could not be compelled to produce at the trial.

17. Any person wilfully disobeying any order requiring his attendance for the purpose of being examined or producing any document to or before an examiner shall be deemed guilty of contempt of Court, and may be dealt with accordingly.

18. Any person required to attend before an examiner for the purpose of being examined or of producing any document, shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in Court.

19. Where any witness or person is ordered to be examined before any officer of a County Court, or before any person appointed for the purpose, the person taking the examination shall be furnished by the party on whose application the order was made with a copy of the documents necessary to inform the person taking the examination of the questions at issue between the parties.

20. The examination shall take place in the presence of the parties, their counsel, soli-

* Forms 90, 91.

* Form 152.

citors, or agents, and the witnesses shall be subject to cross-examination and re-examination.

21. The depositions taken before an officer of a County Court, or before any other person appointed to take the examination, shall be taken down in writing by or in the presence of the examiner not ordinarily by question and answer, but so as to represent as nearly as may be the statement of the witness, and when completed shall be read over to the witness and signed by him in the presence of the parties, or such of them as may think fit to attend. If the witness shall refuse to sign the depositions, the examiner shall sign the same. The examiner may put down any particular question or answer if there should appear any special reason for doing so, and may put any question to the witness as to the meaning of any answer, or as to any matter arising in the course of the examination. Any questions which may be objected to shall be taken down by the examiner in the depositions, and he shall state his opinion thereon to the counsel, solicitors, or parties, and shall refer to such statement in the depositions, but he shall not have power to decide upon the materiality or relevancy of any question.

22. If any person duly summoned to attend for examination shall refuse to attend, or, if having attended, he shall refuse to be sworn or to answer any lawful question, a certificate of such refusal, signed by the examiner, shall be filed with the Registrar, and thereupon the party requiring the attendance of the witness may apply to the Judge for an order directing the witness to attend, or to be sworn, or to answer any question, as the case may be.

23. If any witness shall object to any question which may be put to him before an examiner, the question so put, and the objection of the witness thereto, shall be taken down by the examiner, and transmitted by him to the Registrar to be there filed, and the validity of the objection shall be decided by the Judge.

24. In any case under the two last preceding Rules, the Judge shall have power to order the witness to pay any costs occasioned by his refusal or objection.

25. When the examination of any witness before any examiner shall have been concluded, the original depositions, authenticated by the signature of the examiner, shall be transmitted by him to the Registrar to be filed.

26. The person taking the examination of a witness under these Rules may, and if need be shall, make a special report to the Court touching such examination and the

conduct or absence of any witness or other person thereon, and the Judge may direct such proceedings and make such order as upon the report he may think just.

27. Except where otherwise provided by this Order, or directed by the Judge, no deposition shall be given in evidence at the trial of the action or matter without the consent of the party against whom the same may be offered, unless the Judge is satisfied that the deponent is dead, or beyond the jurisdiction of the Court, or unable from sickness or other infirmity to attend the trial, in any of which cases the depositions certified under the hand of the person taking the examination shall be admissible in evidence saving all just exceptions without proof of the signature to such certificate.

28. Any officer of the Court, or other person directed to take the examination of any witness or person, may administer oaths.

ORDER XIX.

AFFIDAVITS.

1. All affidavits shall be expressed in the first person of the deponent, and be drawn up in paragraphs and numbered.

2. All affidavits, other than those for which forms are given in the Appendix, shall state the deponent's age, occupation, quality, and place of residence, and also what facts or circumstances deposed to are within the deponent's own knowledge, and his means of knowledge, and what facts or circumstances deposed to are known to, or believed by him by reason of information derived from other sources than his own knowledge, and what such sources are.

3. Every affidavit shall be intitled in the action or matter in which it is sworn; but in every case in which there are more than one plaintiff or defendant, it shall be sufficient to state the full name of the first plaintiff or defendant respectively, and that there are other plaintiffs or defendants, as the case may be; and the costs occasioned by any unnecessary prolixity in any such title shall be disallowed by the Registrar on taxation.

4. It shall be stated in a note at the foot of every affidavit filed on whose behalf it is so filed, and such note shall be copied on every office or other copy furnished to a party.

5. The costs of affidavits not in conformity with the preceding Rules of this Order shall be disallowed on taxation, unless the Registrar shall otherwise direct.

6. Before any affidavit is used it shall be filed in the office of the Registrar, but this

Rule shall not hinder a Judge from making an order in an urgent case upon the undertaking of the applicant to file any affidavit sworn before the making of such order, provided that such order be not issued until such affidavit shall have been filed.

7. An affidavit shall not be filed which has been sworn before a Commissioner who was at the time of the swearing of the same the solicitor acting for the party on whose behalf such affidavit is to be used, or the agent, correspondent, partner, or clerk of such solicitor, or who is the party himself.

8. No affidavit or other document which is blotted so as to obliterate any word, or which is illegibly written, or so altered as to cause it to be illegible, or in the body or jurat of which there is any interlineation, alteration, or erasure, unless the person before whom the same is sworn, shall have duly initialled such interlineation or alteration, and in the case of an erasure shall have re-written and signed in the margin of the affidavit or document the words or figures appearing to be written on the erasure, or which is so imperfect upon the face thereof by reason of having blanks thereon or otherwise that it cannot easily be read or understood, shall be filed or used in any action or matter, unless the Judge or Registrar shall otherwise order.

9. Where an affidavit is sworn by any person who appears to the officer taking the affidavit to be illiterate or blind, the officer shall certify in the jurat that the affidavit was read in his presence to the deponent, that the deponent seemed perfectly to understand it, and that the deponent made his signature in the presence of the officer. No such affidavit shall be used in evidence in the absence of this certificate, unless the Judge is otherwise satisfied that the affidavit was read over to and appeared to be perfectly understood by the deponent.

10. Whenever a Registrar rejects an affidavit or other document, he shall give notice, according to the form in the Appendix,* by post or otherwise, to the party offering the same for filing, of such rejection and the reasons thereof, but no such notice shall be necessary if the party offering the same is present when the Registrar rejects the affidavit.

ORDER XX.

ARBITRATION.

1. Where a plaint is entered, the Judge may, with the consent of the parties, as well in cases within the ordinary jurisdiction of the Court as in cases of agreement

* Form 48.

under section 23 of the County Courts Act, 1856, make an order for a reference, under the provisions of section 77 of the County Courts Act, 1846, before, upon, or after the return-day; and all the provisions in the last-mentioned Act contained as to references shall apply to a reference proceeding under such an order; * provided that the same fees shall be paid as would have been payable on entering judgment under a default summons, but where any reference is ordered to the Registrar or other officer of the Court the same hearing fee shall be paid as if the action had been tried.

ORDER XXI.

ASSESSORS (COUNTY COURTS ACT, 1875).

1. The Registrar of each Court shall, from time to time at the request of the Judge, submit to him the names of as many persons as the Judge may direct, whom, having regard to the nature of the ordinary business of the circuit, and to their fitness from ability and reputation, the Registrar believes to be qualified to act as assessors under section 5 of the County Courts Act, 1875, and the Judge shall from the names so submitted frame a list of persons to act as assessors for each Court of which he is Judge.

2. The Registrar shall apply to such persons as the Judge may approve to know if they are willing to act as assessors and to attend any Court they may be summoned to attend a reasonable time beforehand.

3. When the Judge has completed the list of assessors for any Court the Registrar shall cause a printed list of their names in alphabetical order to be hung up in the Court and office.†

4. Every assessor named in the printed list shall continue to be an assessor until a new list of assessors shall have been framed and approved as aforesaid, or until he shall have given to the Registrar notice in writing that he is unwilling to act as an assessor from and after a day to be named therein.

5. Upon the receipt of notice of resignation the Registrar shall remove the name of such assessor from the list.

6. Every person named in the list shall receive for each day's attendance one guinea or two guineas according as the subject-matter of the action does or does not exceed twenty pounds in value, together with such sum, if any, for his expenses as the Judge may order.

7. A party who desires assessors to be summoned to assist the Judge shall file an application therefor according to the form in

* Form 209.

† Form 127.

the Appendix,* giving the names of the assessors he wishes to be summoned, and if he shall have obtained the consent of the other party to the assessors named he shall file such consent with his application.

8. Upon receipt of an application for assessors the Registrar shall forward a copy of the same to the Judge, who, if he shall think fit, shall return the same with his approval, and thereupon the Registrar shall forthwith summon the assessors named. If the Judge shall not think fit that assessors shall be summoned, notice thereof shall be given by the Registrar to all parties, according to the form in the Appendix.†

9. Where the party applying does not file with his application the consent of the other party to the appointment of the assessors proposed by him, the Registrar shall, after obtaining the consent of the Judge to the appointment of assessors as prescribed in the last preceding Rule, forthwith cause to be served on the other party notice of the application according to the form in the Appendix,‡ and the party so served shall, as soon as may be after receipt of the notice, inform the Registrar in writing whether or not he accepts the appointment of the assessors proposed in such notice, or any of them, and shall therein give the names of such assessors as he is willing should be summoned.

10. Where the party served with the notice mentioned in the last preceding Rule does not accept the proposed appointment he shall forthwith after receipt of such notice inform the Registrar in writing of his non-acceptance and of the reasons thereof, and the Registrar shall thereupon fix a time and place for hearing such objection and selecting the assessors to be summoned. Such objection may be heard either on the return-day of the summons or before the Judge acting under the powers conferred on him by section 4 of the County Courts Acts, 1875, or if the Judge so directs before the Registrar. Notice of the time and place at which the objection will be heard shall be given to all parties interested. On the hearing such order shall be made as the Judge or Registrar shall think just, and any costs occasioned by the objection or consequent thereon may be ordered to be paid by the party objecting. When assessors are appointed they shall be summoned by the Registrar.§

11. If at the time and place appointed for the trial the assessors summoned do not appear, the Judge may either proceed to try the action, with the assistance of such one or more of the assessors, if any, as do appear,

or, if none appear, without assistance, or he may adjourn the trial.

12. Every person requiring the Judge to be assisted by assessors shall at the time of applying pay to the Registrar the sum of two guineas if the amount claimed does not exceed 20%, and four guineas if it does exceed that amount, and such payments shall be considered as costs in the action, unless otherwise ordered by the Judge.

13. Where an action is adjourned, the plaintiff shall pay the assessor's fees for the day of adjournment forthwith after the order of adjournment is made by the Court.

ORDER XXII.

TRIAL.

1. Notice of demand for a jury shall be made in writing to the Registrar four clear days before the return day, and the summonses to the intended jurors shall be delivered to the bailiff forthwith.

2. Where notice of a demand for a jury has not been given in due time, or if at the trial both parties desire to try by a jury, and no jury be then in Court, the Judge may, on such terms as he shall think fit, adjourn the trial in order that notice for a jury may be given.

3. Interpleader matters and actions of replevin or for the recovery of land or tenements, or to enforce any right relating to lands, or for the recovery of any damages in respect of any such right, may, at the instance of either party, be tried by a jury; and, by order of the Judge or Registrar, any other action or matter or any question of fact arising therein may be tried by jury..

4. The number of jurymen summoned to attend at a Court for the trial of actions shall be ten, unless the Judge shall otherwise order.

5. If when a trial is called on the plaintiff does not appear, and the defendant appears, and does not admit the plaintiff's claim, the Judge may, in his discretion, award costs to the defendant in the same manner, and to the same amount, as to counsel, solicitor, witnesses, and other matters, as if the action had been tried, but no hearing fee shall be charged.*

6.† Where a default summons has been issued and notice of defence has been given, and neither the plaintiff nor defendant appear when the trial is called on, the action shall be struck out; and where notice of defence has been given, and the defendant appears,

* Form 37.

† 35 & 39 Vict. c. 50, s. 1, and 18 & 19 Vict. c. 67.

* Form 125.

† Form 133.

‡ Form 130.

§ Forms 131, 132.

and the plaintiff does not appear, the action shall be struck out and costs may be ordered against the plaintiff as in the last preceding Rule mentioned, and where the plaintiff appears and the defendant does not appear, judgment may be entered for the plaintiff without further proof, the amount to be payable by instalments or otherwise as the Judge may think fit.

7. If when a trial is called on the plaintiff does not appear, and the defendant has given notice of a counter-claim, he may prove such counter-claim so far as the burden of proof lies upon him and have judgment accordingly; provided that any judgment obtained under this Rule may be set aside upon the application of the plaintiff in like manner as a judgment obtained under section 80 of the County Courts Act, 1846.

8. Where an infant defendant appearing at the trial of any action or matter names a person as his guardian, who then assents so to act, such person shall be appointed guardian accordingly; but if the defendant do not name a guardian, the Judge may appoint any person in Court willing to act as guardian,* or in default of such person the Judge shall appoint the Registrar to act as guardian, and the action or matter shall thenceforth proceed as if the infant had named a guardian, and the name of the guardian appointed shall be entered according to the form in the Appendix,† but no responsibility shall attach to the person so appointed guardian at the instance of the Judge.

9. Where at the trial it shall appear that an action for the same cause at the suit of the same plaintiff is pending in any other Court of Record, the Judge shall order the trial to stand adjourned to a certain day, and unless before such day the action in such other Court shall have been discontinued, the action shall be struck out.

10. At the trial the Judge may try the whole matter of the action and give judgment thereon, or grant any relief, redress, or remedy, or may make any order, or give any direction he may consider necessary to enable him to give a final judgment upon a day to which the trial may be adjourned, and may also make such order as to costs as he may think fit.

11. At the trial the Judge may make an order determining any question or matter submitted pursuant to Order VI., rule 6, in any action for administration or for the execution of trusts without making an order for the general administration of the estate or execution of the trusts.

12. In any action or matter in which an

injunction has been, or might have been, claimed, the plaintiff may, before or after judgment, apply for an injunction to restrain the defendant or respondent from the repetition or continuance of the wrongful act or breach of contract complained of, or from the commission of any wrongful act or breach of contract of a like kind relating to the same property or right, or arising out of the same contract; and the Judge may, in addition to giving judgment for such damages and costs as the plaintiff may be entitled to, grant the injunction, either upon or without terms, as may be just.

13. The Judge by whom any action or matter may be tried, may, in his discretion, inspect, or order the jury to inspect, any property or thing concerning which any question may arise therein.

14. Where at the trial it shall appear to the Judge that there are claims, estates, titles, or rights, or any equitable duties or liabilities which cannot be disposed of by reason of all the proper parties not being before the Court, the Judge may order such parties as may be necessary to be made plaintiffs or defendants, upon such terms as to adjournment, notices, and costs as the Judge shall think fit.

15. If, in any case in which the defendant sets up a counter-claim, the action of the plaintiff is stayed, discontinued, or dismissed, the counter-claim may nevertheless be proceeded with.

16. In any case of counter-claim or otherwise, or where any incidental claim arises at the trial, if the Judge thinks that such claim can be better disposed of by an independent action, he may order such claim to be excluded, whether any application for that purpose be made to him or not.

17. If a person not originally a party to the action, who has been served with a notice of counter or other claim, does not appear at the trial, the Judge may proceed with the trial notwithstanding, and give such judgment or make such order as may be just against the person so served and not appearing, or may adjourn the trial and give such directions and make such order as to costs as he shall think fit.

18. Where in any action a set-off or counter-claim is established as a defence against the plaintiff's claim, the Judge may, if the balance is in favour of the defendant, give judgment for the defendant for such balance, or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case.*

19. Where any of the parties to an action are officers of the Court, the Judge if he

* Form 65.

† Form 66.

* Form 35.

thinks fit may direct the trial to take place at some convenient Court of which he is not the Judge.

ORDER XXIII.

JUDGMENTS AND ORDERS.

1. The Registrar shall enter in the minute-book a minute of all ordinary judgments and orders for the payment of any debt or damages or costs.

2. All special judgments or orders in the nature of decrees shall be prepared by the Registrar, and the draft thereof shall be delivered by him to the successful party, together with an appointment to settle the same. The successful party shall submit the draft to his opponent for approval, and give notice of the appointment to settle. In case of disapproval by either party the Registrar shall finally settle the draft in the presence of such of the parties as attend. Either party dissatisfied with the judgment or order as so settled may apply to the Judge by motion, of which not less than four days' notice shall be given, to vary and finally settle the same, but, except by leave of the Judge or Registrar, such notice shall not operate as a stay of proceedings. The Judge on the hearing of such motion may refuse to make any order if the motion has not been made at the next sitting of the Court available after the judgment or order has been settled by the Registrar. The judgment or order when finally settled shall be sealed with the seal of the Court, and filed of record, and a minute of such filing, with the date thereof, shall be entered in the minute-book.

3. Except where otherwise provided by statute or by these Rules, no order giving leave to take any proceeding and no interlocutory order need be drawn up or served unless the Judge or Registrar should otherwise order.

4. When a party acts by a solicitor, service of any judgment or order in the nature of a decree, and of any interlocutory order, or any notice relating to any such order when directed to be served, may be made by or upon such solicitor, as the case may be.

5. Any judgment or order for the payment of money or costs or both, or any other order, shall, subject to any special order by the Judge or Registrar, and subject to the provisions of these Rules, be prepared by the Registrar and delivered to the bailiff, who shall, within twenty-four hours, send the same, by post or otherwise, to the party on whom service has to be made: Provided always, that it shall not be necessary for the party in whose favour any such judgment or order has been made to prove, previously to

his taking proceedings thereon, that it was posted or reached the opposite party.

6. Where judgment is entered up against a party served with a default summons no order shall be drawn up or served.

7. Any person requiring a certificate of any judgment or order shall state in writing whether such certificate is required for the purpose of removing the proceeding to any other Court, or for the purpose of evidence only; and in such latter case the Registrar shall state thereon the purpose for which it is required.

8. All moneys payable under ordinary judgments shall, unless otherwise ordered, be paid forthwith, or within fourteen days from the date of the judgment. Where judgment is given for payment by instalments, such instalments shall be payable at such periods as the order shall direct; and if no period be mentioned, the first shall become due on the twenty-eighth day from the day of making the order, and every successive instalment shall become due at a like period of twenty-eight days from the day of the previous instalments becoming due; and such instalments shall be paid into Court in accordance with section 45 of the County Courts Act, 1856.

9. When judgment is given for payment by instalments, the Registrar shall give notice to the plaintiff by post, according to the form in the Appendix,* of every payment made where the payment exceeds ten shillings.

10.† Where in an action to recover land, or damages in respect of any right relating to land, the title of the plaintiff shall appear to have existed, as alleged in the summons, at the time of the entry of the plaint, but to have expired before the return-day, the plaintiff shall be entitled to judgment according to the fact that he was so entitled and for his costs of the action, unless the Judge shall otherwise order.‡

11. Where a judgment or order directs any deed to be prepared and executed, it shall state by which party the said deed shall be prepared, and to whom it shall be submitted for approval, and if the parties cannot agree upon the form thereof, the Judge may, upon the application of either party, settle the same himself, or name a conveyancing counsel by whom the same shall be settled, subject to the final approval of the Judge.

12. Where real property is ordered to be sold, the judgment or order shall direct who shall have the conduct of the sale,§ and by whom the conditions and contracts of sale, and the abstract of title, shall be prepared,

* Form 38. † 30 & 31 Vict. c. 142, s. 11.

‡ Form 223. § Form 263.

and the Registrar shall have all the powers of a Chief Clerk of the Chancery Division of the High Court to settle such conditions and contracts, and to fix reserved biddings. And where any conditions or contracts are ordered to be settled by a conveyancing counsel, the order shall name the counsel to whom they are to be submitted.

13. Where an order directs any personal property to be sold, the same shall be sold, under the superintendence of the high bailiff, by public auction, unless the Judge or Registrar shall otherwise direct.

ORDER XXIV.

ACCOUNTS AND ENQUIRIES.

1. Where a judgment or order directs that any account be taken or enquiry made, such account shall be taken and enquiry made by the Registrar, and he shall for that purpose have all the powers of a Chief Clerk of the Chancery Division of the High Court, and all parties shall have the same power of summoning witnesses, including as witnesses any parties in the action, and of examining them on such accounts or enquiries, and of compelling the production of documents, as they would have upon the trial of an action; and all rules as to the summoning, swearing, and examining of witnesses, and the production of documents at the trial, shall be applicable (as far as may be) to such summoning, swearing, examining, and production on taking any such accounts, or prosecuting any such enquiries.

2. Where the Registrar is ordered to make enquiries or to take accounts, he shall by summons, according to the form in the Appendix,* returnable not less than seven days from the date of the order, addressed to all parties entitled to attend, direct such parties to attend at his office or at the Court, for the purpose of proceeding with such enquiries or accounts. In all cases in which advertisements are ordered, the return-day shall be not less than twenty-one days after the date of the order, and the Registrar shall forthwith prepare and insert advertisements in conformity with such order, stating the time, place, and purpose of the proceedings, and shall insert the same fourteen days previous to the day appointed.

3. Upon the day so appointed, or at any adjourned sitting, the Registrar shall sit at the time and place appointed, and shall hear all parties interested, their counsel or solicitors.

4. Where an order directs accounts to be taken, any books of account in which the

accounts required to be taken, or any of them, have been kept, shall, unless the Judge shall otherwise direct, be taken as *prima facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to take such objections thereto as they may be advised.

5. Every advertisement for creditors or other persons having any claim upon or interest in the distribution of any assets to be administered by the Court, which shall be issued pursuant to any order, shall direct every such creditor or other person, within a time to be thereby limited, to send to the Registrar his name and address, and the full particulars of his claim or interest, and a statement of his account, and the nature of the security (if any) held by him, and at the time of directing such advertisement a time shall be fixed for adjudicating on the claims.

6. No creditor or other person need make any affidavit, or attend in support of his claim, unless he is served with a notice requiring him to do so, as hereinafter provided.

7. Every creditor shall produce or transmit to the Registrar any security held by him, at such time as shall be specified in the advertisement for that purpose, being the time appointed for adjudicating on the claims; and every creditor shall, if required, by notice in writing to be given by the Registrar, produce or transmit to the Registrar all other deeds and documents necessary to substantiate his claim before the Registrar at his office at such time as shall be specified in such notice.

8. Every person claiming as heir-at-law, devisee, next-of-kin, or legatee shall, if required, by notice in writing to be given by the Registrar, produce or transmit to the Registrar any pedigree or proof mentioned in such notice within such time as shall be therein specified.

9. In case any creditor or other person shall neglect or refuse to comply with the two last preceding Rules, he shall not be allowed any costs of proving his claim, unless the Registrar shall otherwise direct.

10. At the time appointed for adjudication upon the debts or claims, the Registrar shall take the evidence of the executor, administrator, or other accounting party upon such debts or claims, and may thereupon, in his discretion, allow any of such debts or claims without further proof, and may direct such investigation of all or any of the debts or claims not allowed, and require such further particulars, information, or evidence relating thereto as he may think fit, and may, if he thinks fit, require any creditor or other person to attend and prove his claim, or any part

† Form 275.

thereof; * and the adjudication on such claims as are not then allowed shall be adjourned to a time to be then fixed.

11. Notice of allowance shall be given by the Registrar to every creditor or other person whose claim, or any part thereof, has been allowed, and notice shall also be given by him to every creditor or other person whose claim or any part thereof has not been allowed to attend and prove his claim or such part thereof as is not allowed, by a time to be named in such notice, not being less than seven days after such notice, and also to attend at a time to be therein named, being the time to which the adjudication thereon shall have been adjourned; † and in case any creditor or other person shall not comply with such notice, his claim, or such part thereof as aforesaid, shall be disallowed.

12. Any creditor or other person who has not previously sent in the particulars of his claim pursuant to advertisement may do so two days before any day to which the adjudication is adjourned.

13. If any claim be sent in after the time fixed by advertisement (except as in this Order provided in case of an adjournment), the Registrar may, upon special application, entertain the same, upon such terms and conditions as to costs and otherwise as he thinks fit.

14. In taking any account, all just allowances shall be made without any directions for that purpose in the order to take such account.

15. Where a Registrar has been ordered to certify to the Judge upon any matter, he shall present to the Judge a certificate in writing signed by him. †

16. The Registrar shall prepare his certificate seven days before the day appointed for presenting the same, and shall give notice by post to all parties to the action that the same lies in his office for the inspection of any parties interested therein or affected thereby; § and he shall deliver a copy thereof to any person requiring the same, upon payment of the costs of such copy.

17. Where any party interested in or affected by the Registrar's certificate desires to have the same varied, he shall apply by himself, his counsel or solicitor, at the Court on the day appointed for presenting the same, and the Judge shall thereupon hear and determine such application, and shall confirm or vary the certificate, and make such further order thereupon as he may think fit.

18. If no application shall be made to vary the certificate, it shall be taken as confirmed, unless the Judge shall otherwise order.

* Form 276.

† Forms 276, 277.

‡ Form 278.

§ Form 280.

19. Where the Registrar, high bailiff, receiver, or any party has by any order been directed to do any act, for doing which it may be found necessary to have further directions or an order of the Court, the Registrar shall apply to the Judge for such direction or order, and upon such application the Judge may give such direction or make such order as he may think fit, or may appoint a time to hear all parties upon the application so made by the Registrar; and if the Judge shall make such appointment for hearing, the same shall operate as a stay of proceedings in the action until the day so appointed, unless otherwise directed.

ORDER XXV.

ENFORCEMENT OF JUDGMENTS AND ORDERS.

1. Every order for the payment of money may be enforced in the same manner as a judgment for debt or damages is enforced under section 94 of the County Courts Act, 1846.

2. When a married woman sued only in her own name obtains a judgment or order on the ground of coverture, and is awarded costs, she may enforce payment of such costs in her own name.

3. In case of any judgment or order, if any difficulty shall arise in or about the execution or enforcement thereof, any party interested may apply to the Judge or Registrar, and the Judge or Registrar may make such order thereon for the attendance and examination of any party or otherwise as may be just.

Warrants of Execution against Goods.

4. Warrants of execution against goods shall bear date on the day on which they are issued, and shall continue in force for twelve months from such date and no longer.

5. The Registrar before issuing any warrant shall be entitled to require the person applying for the same to produce the plaint note or summons issued in the action, and to furnish a præcipe containing the number of the plaint, and the residence, place of business, and description of the person against whose goods the warrant is to be issued.

6. No warrant against goods, except by leave of the Judge or Registrar, shall issue on a judgment unless some payment into Court has been made therein by the judgment debtor within twenty-four months previously, but no notice to the debtor, before applying for such leave, shall be necessary, and such leave shall be expressed on the warrant under the seal of the Court.

7. Where a defendant has made default in payment of the whole amount awarded by the judgment, or where the judgment was for payment by instalments of an instalment

thereof, a warrant of execution may issue against his goods without leave; and such execution shall be for the whole amount of the judgment and costs then remaining unsatisfied, unless in the case of instalments the Judge shall otherwise specially direct in each case.

8. Where a judgment is against partners in the name of the firm, execution may issue in manner following:

- (a.) Against any property of the partnership;
- (b.) Against any property of any person who has admitted that he is or who has been adjudged to be a partner;
- (c.) Against any person who has been served as a partner with a copy of the summons and has failed to attend upon the trial.

If the party who has obtained judgment claims to be entitled to issue execution against any other person as being a member of the firm, he may, after giving to such person two clear days' notice of his intention, apply to the Registrar for leave so to do; and the Registrar may give such leave if the liability is not disputed, or, if such liability is disputed, may order that the liability of such person be determined by the Judge on motion.

9. In the following cases, viz.:

- (a.) Where any change has taken place after judgment by death or otherwise in the parties entitled or liable to execution;*
- (b.) Where a husband is entitled or liable to execution upon a judgment or order for or against a wife;
- (c.) Where a party is entitled to execution against any of the shareholders of a joint stock company upon a judgment recorded against such company, or against a public officer or other person representing such company;

the party alleging himself to be entitled to execution must apply to the Judge or Registrar for leave to issue execution accordingly. And such Judge or Registrar may, if satisfied that the party so applying is entitled to issue execution, make an order to that effect, or may order that any issue or question necessary to determine the rights of the parties shall be tried in any of the ways in which any question in an action may be tried. And in either case such Judge or Registrar may impose such terms as to costs or otherwise as shall be just.

10. Any order made under the last preceding Rule shall be drawn up and served by post or otherwise on the persons to be

affected thereby, and execution shall not issue until six clear days at least after the service of the order. When leave is granted, it shall be expressed on the warrant.

11. The Registrar shall, on issuing a warrant of execution against the goods, indorse on such warrant the amount to be levied, distinguishing the amount adjudged to be paid, and the amount of the fee for issuing the warrant; and shall prepare and deliver to the bailiff with the warrant a notice according to the form in the Appendix;* and the bailiff, upon levying, shall deliver such notice to the party against whom the execution has issued, or leave the same at the place where the execution is levied.

12. Warrants of execution against goods may be issued concurrently into one or more districts, provided that the costs of more than one warrant shall not be allowed against the execution debtor unless by order of the Court.

Judgment-Summons.

13. No order of commitment under the Debtors Act, 1869, shall be made unless a summons to appear and be examined on oath, hereinafter called a judgment-summons, shall have been personally served upon the judgment-debtor, which summons may be issued without leave by the Court within the district of which the debtor dwells or carries on business or is employed.†

14. An application for leave to issue a judgment-summons pursuant to the provisions of section 48 of the County Courts Act, 1856, shall be made in open Court upon affidavit according to the form in the Appendix.‡ A minute of the leave having been granted, and of the grounds on which such leave was asked shall be made by the Registrar. The districts of the Courts referred to in section 3 of the County Courts Act, 1867, shall be deemed to be one district, so far as relates to the issuing of judgment-summonses.

15. A judgment-summons shall not issue after the expiration of four months from the date on which the last payment into Court, if any, under such judgment or order shall have been made, or if no payment into Court shall have been made, then from the date upon which default was made, unless the delay has been occasioned by an attempt to levy an execution upon the debtor's goods, or unless an affidavit is filed, stating the debtor's place of residence or business, his trade or profession (if any), and any facts known to the deponent, shewing the means which the debtor has or since the date of the judgment or order has had to pay or to have

* Forms 115, 228.

* Form 163. † Forms 50, 53. ‡ Form 52.

paid the debt or instalments sufficient to satisfy the Judge that the debtor has the means of obeying or could have obeyed the judgment or order of the Court; and if the facts stated in the affidavit do not satisfy the Registrar that the debtor might be thereon committed, the Registrar shall refuse to issue the summons, and refer the applicant to the Judge for his directions, and the Judge shall make such order in the matter as he shall think right. Every summons issued under this Rule shall be signed in the proper handwriting of the Registrar.

16. Where a judgment-creditor desires to apply for a judgment-summons to a Court other than the Court in which the judgment or order was obtained, he shall obtain from the Registrar of the Court in which the judgment or order was obtained, a certified copy of the judgment or order in the action according to the form in the Appendix,* and file the same with his application.

17. Where a party desires to enforce by commitment in any Court a judgment of any competent Court other than a County Court, he shall obtain from such other Court an office copy of the judgment he desires so to enforce, and shall file such office copy, together with an affidavit of the sum then due thereon, with the Registrar of the Court of the district in which the party, against whom the same is to be enforced, resides or carries on business or is employed, and the Registrar shall thereupon issue a judgment-summons.†

18. Every judgment-summons shall be according to the form in the Appendix,‡ and be issued not less than ten clear days, and be served not less than five clear days, before the day on which the judgment-debtor is required to appear, except in the case provided for by the next following Rule.

19. Where the person applying for the judgment-summons shall state to the Registrar that the judgment-debtor is about to remove from his dwelling or place of business, or is keeping out of the way to avoid service, then the judgment-summons may be issued and served at any time before the hearing: Provided that the Court shall not act upon a summons issued under this rule, unless at the hearing the Judge is satisfied, by evidence on oath, that at the time of the application for the judgment-summons such party was either about to remove from his dwelling or place of business, or was keeping out of the way to avoid service.

20. Where a judgment-summons has not been served in due time by a bailiff, a successive summons may be issued without fee; but if such successive summons is not served

in due time, no further successive summons shall be allowed, but a fresh summons may be issued on payment of the fee. Any successive or subsequent judgment-summons may be served by such person as the Judge or Registrar may direct.

21. The hearing of a judgment-summons may be adjourned from time to time.

22. Witnesses may be summoned to prove the means of the judgment-debtor, in the same manner as witnesses are summoned to give evidence upon the hearing of a plaint; and the expenses of any person examined by the Judge, whether summoned or not, may be allowed by the Judge.

23. In Book H. in the Appendix there shall be entered the name of every witness who shall have been examined as to the means of the debtor, and whenever an order of commitment shall be made there shall also be entered in the column "order" of the said book a note or minute shewing whether such order has been made on account of the past or of the present ability of the debtor to obey the order of the Court.

24. Where a judgment-creditor issuing a judgment-summons, or a judgment-debtor summoned to appear by a judgment-summons, does not reside within the district of the Court in which the summons is to be heard, he may forward to the Registrar of the Court from which the summons issued an affidavit, setting forth any facts which he may wish to be before the Court prior to any order being made on the summons. And the Judge may, if he shall think fit, on the hearing of the judgment-summons, admit the affidavit as the evidence of the person by whom the same is made.

25. Upon the issue of a judgment-summons against a party upon a judgment or order of the Court out of which the judgment-summons issued, the bailiff of such Court shall lodge in Court any warrant of execution against the goods of such party which may have been issued in the action.

26. Where a judgment-summons is heard in a Court other than that in which the judgment or order was obtained, and an order of commitment or an order altering the terms of the judgment or order is made, all payments under the new order shall be made into, and execution or other process shall be issued by, the Court making such new order.*

27. Where a certified copy of a judgment or order not marked to be used as evidence only is obtained from a Registrar, he shall make on the minute of the judgment or order a memorandum of having given such

* Form 49. † Form 51. ‡ Forms 50, 53.

* Form 54.

certified copy, and no warrant of execution against the goods or judgment-summons upon such judgment or order shall issue from the same Court, unless it be shewn to the satisfaction of the Judge or Registrar that no order has been made against the execution debtor in any other Court upon such certified copy.

28. Where an order of commitment is sent to a foreign Court under the provisions of section 104 of the County Courts Act, 1846, the Registrar of the foreign Court shall indorse on it a notice, according to the form in the Appendix,* addressed to the Governor of the prison used by that Court, and shall affix the seal of the Court thereto.

29. Where a judgment-debtor shall upon the return-day of a judgment-summons satisfy the Judge that a receiving order has been made for the protection of his estate or that he has been adjudicated bankrupt, and that the debt was provable in the bankruptcy, or that, in respect of the debt, resolutions have been duly registered under sections 125 and 126 of the Bankruptcy Act, 1869, or that an order has been made for the administration of his estate under section 122 of the Bankruptcy Act, 1883, no order of commitment shall be made, except in accordance with the provisions of the last-mentioned section.

30. Where a judgment-debtor shall, after the making of an order of commitment against him, file in the Court in which the order was made, an affidavit according to the form in the Appendix,† stating that a receiving order has been made for the protection of his estate, or that he has been adjudicated a bankrupt, and that the debt was provable in the bankruptcy, or that in respect of the judgment debt resolutions have been duly registered under sections 125 and 126 of the Bankruptcy Act, 1869, or that an order for the administration of his estate has been made under section 122 of the Bankruptcy Act, 1883, annexing to such affidavit in such last-mentioned case a certificate of the Registrar of the Court in which such last-mentioned order shall have been so made, and shall forthwith, upon such affidavit being so filed, give notice to the judgment-creditor of the filing thereof, such order of commitment shall not issue, but if issued and not executed it shall be recalled.

31. Where a judgment-debtor is arrested, he may file in the Court within the district of which he is in custody, an affidavit as mentioned in the last preceding Rule, and thereupon the judgment-debtor shall be discharged out of custody upon the certificate

of the Registrar of that Court, who shall forthwith give notice to the judgment-creditor of such discharge.*

32. For the purposes of the two last preceding Rules the Registrar of the Court in which an order for the administration of a debtor's estate has been made under the provisions of section 122 of the Bankruptcy Act, 1883, shall, upon the application of the debtor, issue to him a certificate according to the form in the Appendix.†

33. An order of commitment made under the Debtors Act, 1869, shall be according to the form in the Appendix,‡ and shall, on whatever day it may be issued from the Registrar's office, bear date on the day on which the order for commitment was made, and shall be in force for one year only from such date, unless at any time before the expiration of such year the Judge may think fit to extend the time during which the order is to be in force. The fact of such extension shall be indorsed on the order of commitment, according to the form in the Appendix.

34. When an order of commitment for non-payment of money is issued, the defendant may, at any time before his body is delivered into the custody of the gaoler, pay to the bailiff the amount indorsed on the order as that on the payment of which he may be discharged; and on receiving such amount the bailiff shall discharge the defendant, and shall within twenty-four hours after receiving such amount pay over the same to the Registrar of the Court of which he is an officer.

35. The sum indorsed on the order of commitment as that upon payment of which the prisoner may be discharged, may be paid into the Court from which the commitment order was issued, or to the gaoler in whose custody the prisoner is, or into the foreign Court to which it was sent for re-issue under section 104 of the County Courts Act, 1846.§ Where the payment is made to the Registrar, he shall sign and seal a certificate thereof, and upon receiving such certificate by post or otherwise, the gaoler in whose custody the prisoner shall then be shall forthwith discharge such prisoner. And where the payment is made to the gaoler, he shall, upon payment to him of such amount, together with costs sufficient to pay for transmitting such amount forthwith by post office order to the Court under the order of which the prisoner was committed, sign a certificate of such payment, and discharge the prisoner, and such costs of transmission shall be part of the prescribed costs.

* Form 56.

† Form 58.

* Form 60.

‡ Forms 55, 56.

† Form 59.

§ Form 61.

86. Upon the judgment creditor lodging with the Registrar a request in writing, according to the form in the Appendix,* that the judgment debtor, if in prison, may be discharged from custody, the Registrar shall issue a notice according to the form in the Appendix,† and transmit the same by post to the gaoler in whose custody the judgment debtor is; and the gaoler shall upon receipt of such notice forthwith discharge the prisoner.

87. A certificate of payment by a prisoner shall be according to the form in the Appendix.‡

88. If a judgment-debtor appears at the return-day, but the judgment-creditor fails to appear, the Judge may award costs to the judgment-debtor.

89. All costs incurred by the plaintiff in endeavouring to procure or enforce a judgment or order shall be deemed to be due in pursuance of such judgment or order under section 5 of the Debtors Act, 1869, unless the Judge shall otherwise order.

Warrant of Attachment.

40. Where a breach has been committed of an order in the nature of an injunction or of any other order, interlocutory or otherwise, which can be enforced by attachment or committal, the party entitled to the benefit of the order shall, if desirous of obtaining an order of attachment, make application to the Registrar. The Registrar shall thereupon prepare and issue for service a copy of the order sought to be enforced, sealed with the seal of the Court and indorsed with a notice according to the form in the Appendix,§ and the Registrar may, if the party by whom the order was obtained so desire, order the copy so indorsed to be served by the applicant's solicitor upon the party to be bound thereby, and in default of such order the said copy shall be issued to the bailiff for service. In either case the copy shall be served in the same manner in which service of ordinary summonses may be effected.

41. If the person against whom the order is directed fails to obey it, the Registrar, on the application of the party entitled to the benefit of the order, shall, not less than three days after service of the copy indorsed as provided by the last preceding Rule, issue for service a notice under the seal of the Court requiring the person who has failed to obey the order to appear at a Court to be held on a day to be named in such notice to shew cause why he should not be committed for his contempt in neglecting to obey such

order.* The notice shall be issued for service and served personally, or it may be otherwise served if, after failure to be served personally, the Judge or Registrar shall so allow. By leave of the Judge or Registrar the notice may be issued and served at an earlier period than as above prescribed.

42. On the day named in the notice mentioned in the last preceding Rule, the Judge, on proof of service of the copy order duly indorsed as provided by Rule 40, and of the above notice, as provided by Rule 41 of this Order, and of the continued disobedience of the person in default, may order a warrant of attachment to issue, either unconditionally or on such terms as shall be just, and may make such order as to costs as he may think fit.† Provided that if the party in default appear either in person, or by his solicitor or agent, proof of service of the copy order and notice shall not be necessary, unless the Judge shall otherwise order. Provided also, that the warrant shall issue and may be executed forthwith without notice or service of the order authorising its issue, unless the Judge shall otherwise order.

43. Any person in custody under any order (other than an order under the Debtors Act, 1869), in which it is directed that the application for his discharge shall be made to the Judge,‡ may make such application at the Court, or by leave of the Judge at any place which he may appoint, upon giving to the party at whose instance he was committed notice of his intention so to apply two clear days before making the application, and such discharge, if granted, shall be given according to the form in the Appendix.§

44. Any person in custody under any order (other than an order under the Debtors Act, 1869), in which it is not directed that the application shall be made to the Judge,|| may apply to the Registrar to be discharged upon giving to the party at whose instance he was committed notice of his intention so to apply two clear days before making the application, and such discharge, if granted, shall be given according to the form in the Appendix.¶

Warrant of Possession.

45. A judgment or order for the recovery or for the delivery of the possession of land, whether made in an action of ejectment or in any other action or matter, may be enforced by warrant of possession, which shall be according to the form in the Appendix.**

46.†† Where in an action to recover land, judgment is given for the plaintiff, execution

* Form 62.

† Form 63.

‡ Form 61.

* Form 292.

* Form 293.

† Forms 294, 295, 296.

‡ Form 298.

§ Form 299.

|| Form 298.

¶ Form 299.

** Forms 226, 227.

†† 30 & 31 Vict. c. 142, s. 11.

may issue upon a day to be named in the judgment, and if no day be named then it may issue after the expiration of fourteen clear days from the day on which judgment shall have been given.

47.* Where in an action to recover land, judgment has been obtained for the recovery of possession and costs, there may be either one warrant or separate warrants of execution for the recovery of possession and for the costs at the election of the plaintiff.

48.† Where in an action to recover land, judgment is given for the defendants or any of them with costs, execution may issue for the costs on the day named in the judgment, and if no day be named then at the expiration of fourteen clear days from the day on which judgment shall have been given.

49. When an order is made for the recovery or for the delivery of the possession of land to any person, the warrant of possession shall not be issued by the Registrar without evidence by affidavit of service of the order and disobedience thereto.

Warrant of Delivery.

50. Where it is sought to enforce a judgment or order for the recovery of any property other than land or money, the Judge or a Registrar may, upon the application of the plaintiff, or that a warrant of delivery shall issue for the delivery of the property, and that if the property cannot be found, the bailiff shall distrain the defendant by all his lands and chattels within the district of the Court of which he is bailiff, till the defendant delivers the property; or, at the option of the plaintiff, that the bailiff shall cause to be made of the defendant's goods the assessed value, if any, of the property.

51. Warrants of delivery shall be according to the forms in the Appendix;‡ and when a warrant of delivery is issued, the plaintiff shall, either by the same or a separate warrant of execution, be entitled to have made of the defendant's goods the damages and costs awarded.

ORDER XXVI.

ATTACHMENT OF DEBTS.

1. Where a plaintiff is desirous that the defendant, if the defendant shall have judgment given or an order made against him for the recovery of money, shall be orally examined forthwith after the judgment shall have been given, the order shall have been made, as to what debts are due and owing or accruing to him, the plaintiff shall, before the

action is called on, lodge with the Registrar a statement in writing of the name, address, and description of the persons who (as far as he knows) are debtors to the defendant and who in respect of such debts are within the jurisdiction of the Court.*

2. Where such a statement has been lodged, the defendant, if he shall have had a judgment or an order given against him, may then be examined before the Court at the request of the plaintiff as to any debt due, owing, or accruing to the defendant from any persons mentioned in the statement, and if any such person be then present, he may be required forthwith, if he admits the debt, to shew cause why he should not be ordered to pay into Court, for the benefit of the judgment creditor, such debt or so much thereof as will satisfy the debt adjudged or ordered to be paid, and the Court may make an order for the payment of such debt,† or so much thereof as will satisfy the debt, and such order shall be entered in the minute-book, and may be enforced in like manner as any order made in any action in the Court;‡ and where such person pays the money as ordered, he shall not be liable for any costs, and an entry of the payment shall be made in the "Cash Book" and "Ledger."

3. A plaintiff who has not lodged such statement, and who has obtained a judgment or order for the recovery or payment of money, or a defendant who has obtained such judgment or order against a plaintiff, may at any time after the judgment or order, upon lodging with the Registrar of the Court in which the judgment or order was given, or made an affidavit stating that the judgment or order has been obtained,§ and is unsatisfied, and that a third person (hereinafter called the garnishee) is indebted to the debtor liable under such judgment or order, and is in respect of such debt within the jurisdiction of the Court, and could be sued therein without leave or by leave under section 1 of the County Courts Act, 1867, enter a plaint to obtain payment to him of the amount of the debt due to the said debtor from the garnishee, or so much thereof as may be sufficient to satisfy the judgment or order;|| and where the garnishee is not in respect of such debt within the jurisdiction of the Court, the person who has obtained such judgment or order, upon lodging a certificate of the judgment or order and a copy of the said affidavit with the Registrar of the Court in the district of which the garnishee resides or carries on business, may enter a plaint in such last mentioned Court.¶

* 30 & 31 Vict. c. 142. s. 11. † Ibid.
‡ Forms 250, 251, 252.

* Form 153. † Form 154. ‡ Form 158.
§ Form 155. || Form 156. ¶ Form 49.

4. The summons on the plaint shall be personally served on the garnishee, and when so served it shall attach in the hands of the garnishee all debts due, owing, or accruing from him to the debtor liable under the judgment or order.

5. Where the garnishee is a firm or is a company or other corporation, the summons need not be served personally, but it may be served as provided by Order VII., with respect to the service of an ordinary summons.

6. Where the garnishee shall pay into Court five clear days before the return-day the amount due from him to the debtor liable under the judgment or order, or an amount equal to the judgment or order, he shall not be liable for any costs incurred by the person who obtained the judgment or order.

7. The Registrar shall forthwith give notice of the payment into Court to the person who has obtained the judgment or order, and if the said person elects to accept the money so paid into Court by the said garnishee, and shall send to the Registrar and to the garnishee by prepaid post or leave with the Registrar a written notice stating such acceptance, within 48 hours after receipt of the notice of payment into Court, all further proceedings against the said garnishee shall abate, and the Registrar shall pay the money so paid into Court to the person who obtained the judgment or order in discharge or part discharge of the debt due to such person, and of the costs of issuing the garnishee summons.

8. Upon the return-day, should the amount paid into Court under Rule 6 of this Order be not accepted, the Court shall determine as to the liability of the garnishee to pay any further sum on account of the debt claimed to be due from him to the debtor, and as to the party by whom the costs of the proceeding by plaint shall be paid, and make such order as may be in accordance with such determination.*

9. Where the Court in which the garnishee is sued is not the Court in which the judgment or order upon which he is garnished was given or made, the Registrar of such first-mentioned Court shall send a certificate of the order of his Court to the Court in which such judgment or order was given or made, and of payment, if any, made before or after the return-day.†

10. Whenever in proceedings to obtain an attachment of debts it is suggested by the garnishee that the debt sought to be attached belongs to some third person, or that any third person has a lien or charge upon it, the Judge or Registrar may order such third person to appear, and state the nature and

particulars of his claim upon such debt, and after hearing the allegations of such third person and of any other person whom by the same or any subsequent order is ordered to appear, or in case of such third person not appearing when ordered, the Judge may decide in favour of the person who obtained the judgment or order any issue or question to be tried or determined between the third person and the person who obtained the judgment or order, and may bar the claim of such third person or make such other order as such Judge shall think fit, upon such terms, in all cases, with respect to the lien or charge (if any) of such third person, and to costs, as the Judge shall think just and reasonable.

11. Payment made by or execution levied upon the garnishee under any such proceeding as aforesaid shall be a valid discharge to him as against the debtor, liable under a judgment or order, to the amount paid or levied, although such proceeding may be set aside, or the judgment or order reversed.

ORDER XXVII.

INTERPLEADER.

1. Where a claim is made to or in respect of any goods or chattels taken in execution under the process of a Court the high bailiff shall forthwith send notice to the execution creditor, according to the form in the Appendix,* and if the execution creditor admits the title of the claimant to the goods or chattels, and sends notice in due course of post to the high bailiff of such admission according to the form in the Appendix,† or to the like effect, he shall only be liable to such high bailiff for any fees of possession or expenses incurred prior to the receipt of such notice.

2. Where the execution creditor does not in due time, as directed by the last preceding Rule, admit the title of the claimant to the goods or chattels, and the claimant persists in his claim thereto, the high bailiff shall apply for an interpleader summons to be issued, and should the claimant withdraw his claim, or the execution creditor file an admission of the title of the claimant prior to the return-day of such summons, and at the same time give notice of such admission to the claimant, the Judge may, in and for the purposes of the interpleader proceedings, make all such orders as to costs, fees, charges, and expenses as may be just and reasonable.

3. Where any claim is made to or in respect of any goods or chattels taken in execution under the process of a Court, or in respect of the proceeds or value thereof, and summonses have been issued on the application of the

* Form 157.

† Form 49.

* Form 178.

† Form 179.

high bailiff, such summonses shall be served in such time and mode as by these Rules directed for an ordinary summons to appear to a plaintiff, and the case shall proceed as if the claimant were the plaintiff, and the execution creditor the defendant; provided that where the claimant has not made deposit in accordance with section 72 of the County Courts Act, 1856, the time of service may, if the high bailiff so desires, by leave of the Judge or Registrar, be such time as will obtain a speedy decision on the claim.

4. The claimant shall, five clear days before the return-day, deliver to the high bailiff, or leave at the office of the Registrar, particulars of any goods or chattels alleged to be the property of the claimant, and of the grounds of his claim, and in case of a claim for rent of the amount thereof, and for what period, and in respect of what premises the same is claimed to be due;* and the name, address, and description of the claimant shall be fully set forth in such particulars, and any money paid into Court under the execution shall be retained by the Registrar until the claim shall have been adjudicated upon: Provided that by consent of all parties, or without such consent if the Judge shall so direct, an interpleader claim may be tried, although this Rule has not been complied with.

5. The Judge upon the hearing shall adjudicate upon any claim of the high bailiff for possession fees, and may, if he shall think fit, order the same, or such part thereof as he may think just, to be paid by the claimant or by the execution creditor.

6. In the event of the claimant of any goods taken in execution not making, in accordance with the provisions of section 72 of the County Courts Act, 1856, a deposit with the bailiff either of the amount of the value of the goods claimed, or of the sum which the bailiff is allowed to charge as costs for keeping possession of such goods until a decision can be obtained, the bailiff may, in his discretion, delay selling such goods until the Judge shall have adjudicated on such claim; and for the keeping of such continued possession he shall be allowed such costs out of pocket only as the Judge may order.

7. Where the claimant to goods taken in execution claims damages from the execution creditor or from the high bailiff for or in respect of the seizure of the goods, he shall in the particulars of his claim to the goods state the amount he claims for damages, and the grounds upon which he claims damages.

8. Where an execution creditor claims damages against a high bailiff arising out of

the execution of any process, he shall five clear days before the return-day deliver to the high bailiff a notice of such claim, stating the grounds and amount of such claim.

9. Where a claim for damages under section 81 of the County Courts Act, 1867, is made against any high bailiff and execution creditor, or either of them, they or either of them may pay into Court money in full satisfaction of such claim for damages, and such payment into Court shall be made in the same manner and have the same effect, and the parties respectively shall have the same rights and remedies, as they would respectively have if the proceeding were an action in which the claimant was plaintiff, and the high bailiff and judgment creditor defendants.

10. Interpleader summonses shall be issued by the Registrar, on the application of the high bailiff, without leave of the Judge, and shall be served on the solicitor of any party who acts by a solicitor.

11. Interpleader summonses shall be issued from the Court of the district in which the levy was made, and the execution creditor and claimant shall be summoned to such Court.

12. When goods or chattels have been seized in execution under process of the Court, and a claimant claims to be entitled under a bill of sale or otherwise to the goods or chattels by way of security for a debt, and an order has been made directing a sale of the whole or part of the goods or chattels so seized, a duplicate of such order shall be delivered by the Registrar to the high bailiff, who shall thereupon forthwith sell the goods or chattels pursuant to the order, and after deducting the expenses of the sale and the taxes and rent, if any, directed by the order to be paid, pay the balance of the proceeds into Court, and such balance of the proceeds shall thereupon be applied by the Registrar in accordance with the directions contained in the order of the Court.

13. Where the defendant in an action brought by the assignee of a debt or chose in action has had notice that the assignment is disputed by the assignor, or anyone claiming under him, or in that or any other action for any debt, money, goods, or chattels has had notice of any other opposing or conflicting claims to such debt or chose in action, he may, within five days of the service of the summons, apply to the Registrar for a summons against the assignor or the person making such conflicting claim, and the Registrar shall thereupon issue an interpleader summons according to the form in the Appendix,* returnable as soon as con-

* Forms 180, 181.

* Form 134.

veniently may be, and upon the return-day of such summons the Judge shall hear the case of the defendant and of the plaintiff in the action, and also of the assignor disputing such assignment or of the person making such opposing or conflicting claim, and shall give such judgment therein as shall finally determine the rights and claims of all parties, as if the same had been an ordinary action into which a third party had been introduced by counter-claim.*

14. Where a defendant in an action brought by the assignee of a debt or chose in action has had notice as in the last preceding Rule mentioned, and thinks fit to pay the debt and costs into Court to abide its decision, he shall upon such payment into Court give to the Registrar the name of the person against whose dispute of the assignment or conflicting claim he desires to be protected, and the Registrar shall thereupon give notice to such person according to the form in the Appendix,† and on the return-day of the summons the Judge shall determine the rights of the parties, and may if he thinks fit order the defendant to pay all or any part of the costs.

ORDER XXVIII.

TRANSMISSION OF PROCEEDS OF WARRANTS FROM FOREIGN DISTRICTS.

1. In all cases of warrants, whether against the goods or the person, to be executed in a foreign district, the Registrar of the foreign Court shall immediately on the receipt of the warrant make an entry of the receipt thereof in the "Foreign Executions Re-issued Book."

2. Where, by virtue of any warrant sent to a foreign district, any money shall have been received by the bailiff of the foreign Court, such bailiff shall, within twenty-four hours from the receiving of such money, pay over the same to the Registrar of the foreign Court, and shall, unless an interpleader summons as to such money is pending, make a return in writing of the amount received according to the form in the Appendix; ‡ and in the case of a levy having been made, the bailiff shall state in the return the gross amount produced by such levy, the particulars of the appraiser's and broker's charges, and the fees allowed for keeping possession, and he shall pay over to the Registrar of the foreign Court the amount levied, less such charges and fees; and the Registrar of the foreign Court shall certify in the said return the amount paid into Court, and the correctness of the said charges, and shall account

for and pay over such amount to the treasurer of his Court at such time as the treasurer shall require; and the high bailiff shall thereupon transmit such return to the high bailiff of the home Court, as directed by section 104 of the County Courts Act, 1846, and such latter bailiff shall, within twenty-four hours from the receipt of such return, deliver the same to the Registrar of his Court, who shall file such return and thereupon pay out of any money in his hands, to the plaintiff in the action, the amount certified in such return to have been received by the Registrar of the foreign Court, as the proceeds of the execution, and shall enter in a book the amount so certified according to the form in the Appendix,* and the Registrar shall be allowed by the treasurer of his Court, at his audit, the amount so paid.

3. Where by virtue of any order of commitment to be executed in a foreign district any money shall be paid into the Court of such district, the Registrar shall transmit a certificate, according to the form in the Appendix,† to the Registrar of the home Court of the amount so paid in, and shall account for and pay over the amount to the treasurer of his Court at such time as the treasurer shall require; and the Registrar of the home Court shall upon the receipt of the certificate file the same and pay out of any money in his hands to the judgment-creditor the amount so certified to have been received by the Registrar of the foreign Court, and shall enter the same in the book mentioned in the last preceding Rule, and he shall be allowed by the treasurer of his Court, at his audit, the amount so paid.

ORDER XXIX.

SECURITY.

1. In all cases where a party proposes to give a bond by way of security, he shall serve, by post or otherwise, on the opposite party and upon the Registrar, at his office, notice of the proposed sureties according to the form in the Appendix,‡ and the Registrar shall forthwith give notice to both parties of the day and hour on which he proposes that the bond shall be executed,§ and shall state in the notice to the obligee that any valid objection which he may have to make to the sureties or either of them must be made on such day.

2. The sureties shall make an affidavit of their sufficiency according to the form in the

* Forms 136, 137, 138. † Form 135.
‡ Form 174.

* Form M. † Form 174.
‡ Form 120. § Form 122.

Appendix,* unless the opposite party shall dispense with such affidavit.

3. The bond shall be executed in the presence of the Judge or Registrar, or of a commissioner to administer oaths.

4. Where a party makes a deposit of money in lieu of giving a bond, he shall forthwith give notice to the opposite party, by post or otherwise, of such deposit having been made.

5. In all cases where the security is by bond, the bond shall be given to the party or persons requiring the security, and shall be deposited with the Registrar until the action is finally disposed of.

6. No Registrar, deputy Registrar, Registrar's clerk, high bailiff, bailiff, broker, or other officer of the Court, shall become surety in any case where, by the practice of the Court, security is required.

ORDER XXX.

PROCEEDINGS BY AND AGAINST EXECUTORS AND ADMINISTRATORS.

1. In actions by executors or administrators, if the plaintiff fail, the costs shall, unless the Court shall otherwise order, be awarded in favour of the defendant, and shall be levied *de bonis propriis*.

2. Where an executor or administrator, plaintiff or defendant, shall not appear on the day of hearing, the provisions of sections 79 and 80 of the County Courts Act, 1846, and of section 10 of the County Courts Acts, 1850, shall apply respectively, subject to the rules applicable to executors or administrators suing or sued.

3. A party suing an executor or administrator may charge in the summons, that the defendant has had assets, and has wasted them, and he shall state in his particulars the amount of assets alleged to have been left by the deceased, and the manner in which the said assets have been wasted.

4. In all cases where the defendant is charged with waste in the summons, if the Judge shall be of opinion that the defendant has wasted the assets, the judgment shall be that the debt or damage and costs shall be levied *de bonis testatoris, si, &c., et si non, de bonis propriis*; and the non-payment of the amount of the demand immediately on the Judge finding such demand to be correct, and that the defendant is chargeable in respect of assets, shall be conclusive evidence of wasting to the amount with which he is so chargeable.†

5. Where a defendant sued as an executor or administrator admits his representative character, and only denies the demand, if the

plaintiff proves the demand the judgment shall be that the demand and costs shall be levied *de bonis testatoris, si, &c., et si non*, as to the costs, *de bonis propriis*.*

6. Where such defendant admits his representative character, but denies the demand, and alleges a total or partial administration of assets, and the plaintiff proves his demand, and the defendant proves the administration alleged, the judgment shall be to levy the costs of proving the demand *de bonis testatoris, si, &c., et si non, de bonis propriis*; and as to the whole or residue of the demand, judgment of assets, *quando acciderint*; and the plaintiff shall pay the defendant's costs of proving the administration of assets.†

7. Where such defendant admits his representative character, but denies the demand, and alleges a total or partial administration of assets, and the plaintiff proves his demand, but the defendant does not prove the administration alleged, the judgment shall be to levy the amount of the demand,‡ if such amount of assets is shewn to have come to the hands of the defendant, or such amount as is shewn to have come to them, and costs, *de bonis testatoris, si, &c., et si non*, as to the costs, *de bonis propriis*, and as to the residue of the demand, if any, judgment of assets, *quando acciderint*.

8. Where such defendant admits his representative character and the plaintiff's demand, but alleges a total or partial administration of the assets, and proves the administration alleged, the judgment shall be for assets *quando acciderint*, and the plaintiff shall pay the defendant's costs of proving the administration of assets.§

9. Where such defendant admits his representative character and the plaintiff's demand, but alleges a total or partial administration of the assets, but does not prove the administration alleged, and has not established any other ground of defence, the judgment shall be to levy the amount of the demand, if so much assets is shewn to have come to the hands of the defendant, or such amount as is shewn to have come to them, and costs, *de bonis testatoris, si, &c., et si non*, as to the costs, *de bonis propriis*, and as to the residue of the demand, if any, judgment of assets, *quando acciderint*.||

10. Where judgment has been given against an executor or administrator, that the amount be levied upon assets of the deceased *quando acciderint*, the plaintiff or his personal representative may issue a summons according to the form in the Appendix,¶ and if it shall appear that assets have come to the hands of

* Form 121.

† Form 200.

* Form 201. † Form 202. ‡ Form 203.

§ Form 204. || Form 205. ¶ Form 206.

the executor or administrator since the judgment, the Judge may order that the debt, damages, and costs be levied *de bonis testatoris, si, &c., et si non*, as to the costs, *de bonis propriis*; provided that it shall be competent for the party applying to charge in the summons that the executor or administrator has wasted the assets of the testator or intestate, in the same manner as in Rule 3 of this Order, and the provision of Rule 4 shall apply to such enquiry; and the Judge may, if it appear that the party charged has wasted the assets, direct a levy to be made as to the debt and costs *de bonis testatoris, si, &c., et si non, de bonis propriis*.*

11. Where a defendant admits his representative character and the plaintiff's demand, and that he is chargeable with any sum in respect of assets, he shall pay such sum into Court, subject to the rules relating to payment into Court in other cases.

12. In actions against executors or administrators for which provision is not hereinbefore specially made, if the defendant fail as to any of his defences, the judgment shall be for the plaintiff as to his costs of disproving such defence, and such costs shall be levied *de bonis testatoris, si, &c., et si non, de bonis propriis*.

ORDER XXXI.

NEW TRIAL.

1. An application for a new trial, or to set aside proceedings, may be made and determined on the return-day, if both parties be present, or such application may be made at the first Court holden next after the expiration of twelve clear days from such return-day; provided that the intending applicant, seven clear days before the holding of such Court, delivers to the Registrar at his office, and also gives to the opposite party by serving the same personally on such party, or by leaving the same at his place of abode or place of business, a notice in writing, signed by himself or his solicitor, stating that such an application is intended to be made at such Court, and setting forth shortly the grounds of such intended application; but such notice shall not operate as a stay of proceedings unless the Judge shall otherwise order; and if any money paid into Court under any execution or order in the action shall not have been paid out at the time such notice in writing shall have been given to the Registrar, the Registrar shall retain the same to abide the event of such application, or until the Judge shall otherwise order; and if no such application be made, the money shall, if

required, be paid over to the party in whose favour the order was made, unless the Judge shall otherwise order; and if such notice be not given in manner aforesaid, or such application be not made at the Court mentioned in the notice, no application for a new trial or to set aside proceedings shall be subsequently made, unless by leave of the Judge, and on such terms as he shall think fit; provided that this Rule shall not apply to cases falling within the provision of section 80 of the County Courts Act, 1846.

2. The Judge may, in his discretion, make it a condition of granting a new trial, that it shall take place with a jury, although the former trial did not take place with a jury.

ORDER XXXII.

APPEALS.

1. Appeals shall be had in accordance with the provisions of the Rules of the Supreme Court, December 1885, made under the Supreme Court of Judicature Act, 1884.*

ORDER XXXIII.

ACTIONS OR MATTERS REMITTED FROM OR TRANSFERRED TO THE HIGH COURT OF JUSTICE.

1.† Where any action or matter is remitted, transferred to, or ordered to be tried by order of the High Court of Justice to or in a County Court, the plaintiff shall lodge with the Registrar thereof the order, or a duplicate thereof, and the writ, and a copy or copies of any affidavit or affidavits on which the order was made,‡ and also a statement of the names and addresses of the several parties to the action or matter, and their solicitors, if any, and a concise statement of the particulars of claim, such as would be required upon entering a plaint, signed by the plaintiff or his solicitor, and the Registrar shall thereupon enter the action or matter for trial and give notice to the parties of the day appointed for such trial, by post or otherwise, ten clear days before such day, and shall annex to the notice to the defendant a copy of the particulars.§

2. The Registrar shall forthwith indorse on the order, or duplicate thereof, the date on which the same was lodged and file the same, and the action or matter shall proceed in all things as if it were an ordinary action in the Court.

3. Upon being served with a notice of trial under Rule I. of this Order, a defendant

* See Rules of the Supreme Court, December 1885, p. 293.

† 30 & 31 Vict. c. 142, ss. 7, 8, 10.

‡ Forms 72, 75.

§ Forms 73, 76.

* Form 208.

shall proceed in all things in the same way as if the action had been brought in the County Court and the notice so served upon him was an ordinary summons.

4. Where in any action for libel or slander remitted under section 10 of the County Courts Act, 1867, to be tried in a County Court, the defendant intends to avail himself of the provisions of sections 1 and 2 of 6 & 7 Vict. c. 96, he shall give notice in writing of such intention, signed by himself or his solicitor, to the Registrar five clear days before the day appointed for the trial of the action.*

5. If during the progress of any action to enforce any claim or title, or to obtain any relief, remedy, or redress which might respectively before November 1, 1875, have been the subject of a plaint or petition in equity, it shall be made to appear that the subject-matter of the plaintiff's claim exceeds the amount to which the jurisdiction of the Court is limited, the Judge if requested may forthwith make an order for the transfer of the action to the Chancery Division of the High Court of Justice, but if not so requested the order shall not be made before fifteen days at least; and the Registrar shall make and file a copy of such order;† and shall transmit the order, by post or otherwise, to the proper officer of the Chancery Division of the High Court of Justice, and shall also send notice, by post or otherwise, of the fact to all parties and persons entitled to be served with a copy of the order.

6.‡ If during the progress of taking any accounts or making any enquiries in any action for any claim, right, redress, or remedy which might before the commencement of the Supreme Court of Judicature Act, 1873, have been enforced in equity, it shall appear to the Registrar that the subject-matter of the action exceeds the amount to which the jurisdiction of the Court is limited, he may if he shall think fit proceed with and complete the particular account or enquiry, but he shall at the next sitting of the Court present a certificate of the state of the proceedings in the action, and if the Judge shall be of opinion that such excess exists, he shall make an order of transfer as under the last preceding Rule.§

7. Where any order is made by the High Court of Justice or any Division or Judge thereof for the transfer of any proceeding from the Court to the High Court of Justice under section 90 of the Supreme Court of Judicature Act, 1873, or under section 3 of the County Courts Act, 1865, or where an

order is made by a Judge under section 9 of the County Courts Act, 1865, and Rules 5 and 6 of this Order, then, subject to such order, the record in such proceeding shall be transmitted by the Registrar in the following manner. The Registrar shall make and certify under his hand office copies of all entries of record in the books of the Court, and shall forthwith transmit, by post or otherwise, to the proper officer of the High Court of Justice, such copies, together with all such documents as shall have been filed in the action, and also where the proceedings have been transferred from a County Court the order of such Court. Such copies and the cost of transmission shall be paid for by the party on whose application the transfer has been made, unless the transfer shall have been made by the Judge under Rule 5 of this Order without any application to transfer being made to him, in which case such copies and the costs of transmission shall be paid for by the plaintiff in the action, and the Registrar may require deposit of the cost of making such copies and transmission before making or transmitting the same.

8. Where any action or matter is transferred, under section 8 of the County Courts Act, 1867, to a County Court, the Registrar shall forthwith apply to the Judge thereof for directions as to the further steps in the action or matter, and thereupon the Judge may give such directions for carrying on the action or matter as he may think fit, or he may appoint a time to hear and determine any matters in such action or matter, and direct the Registrar to summon all parties to appear on the day so appointed. And the Judge shall also, if he thinks fit, order the Registrar to give notice to the parties to the action or matter, or any of them, that the order of transfer has been made.

9. Where a proceeding by way of interpleader has been transferred to a County Court under the powers given by section 17 of the Supreme Court of Judicature Act, 1884, the claimant shall lodge with the Registrar the order transferring the proceeding, or a duplicate or copy thereof, under the seal of the High Court of Justice,* together with office copies of all affidavits used on the application to the High Court of Justice, and a copy of the issue, if any, directed to be delivered between the parties by any order of the said High Court, and also a statement in writing setting forth the names and addresses of the several parties to such proceeding, and their solicitors, if any, and concisely the nature of the proceeding transferred, together with a request to enter the

* Forms 96, 97.

† Form 289.

‡ 28 & 29 Vict. c. 99. s. 9.

§ Form 289.

* Form 77.

same for hearing. The Registrar shall thereupon enter the proceedings for hearing and give notice of the day, time, and place for the hearing of the proceedings to the London agent of the under sheriff, and to the execution creditor, and to the claimant ten clear days before such day, unless any shorter notice be directed in the order transferring the proceeding.

10. Any proceeding by way of interpleader transferred to a County Court under the powers given by the 17th section of the Supreme Court of Judicature Act, 1884, shall be tried in such manner and under such conditions as may be prescribed by the order directing such transfer. In the event of no directions as to the mode of trial being given in such order, such proceeding shall be tried in the same manner as prescribed by the statutes and rules applying to the trial of proceedings in the County Courts, but the sheriff or any of the parties to the proceeding may apply to the Registrar of the Court to which the proceeding is transferred for any special direction as to the mode of trial which the said sheriff or the said parties may desire, or as to any proceeding with reference to the property seized or as to the evidence.

ORDER XXXIV.

REPLEVIN.

1. In actions of replevin no other cause of action shall be joined in the summons.

2. On entering a plaint in replevin, the plaintiff must specify and describe in a statement of particulars, the cattle, or the several goods and chattels taken, and the distress or other taking of which he complains.

3. All actions of replevin in cases of distress for rent in arrear, or for damage feasant, shall be tried in a summary way as other actions in the Courts holden under the authority of the County Courts Act, 1846, and the judgment therein, in ordinary cases, whether for plaintiff or defendant, shall be, unless otherwise ordered, according to the forms in the Appendix.*

4. Where the distress is for rent, or for any other claim for which a distress may be lawfully taken, and the defendant succeeds in the action, if the defendant shall so require, the Court shall, if the action is tried without a jury, and the jury shall, if the action is tried with a jury, find the value of the goods distrained, and if the value is less than the amount of rent or otherwise of money in arrear, judgment shall be given for the amount of such value, but if the amount of the rent or such other sum of money in arrear be less

than the value so found, judgment shall be given for the amount of such rent or other sum of money, and may be enforced in the same manner as any other judgment of the Court.*

5. Where the distress is for damage feasant, and the defendant is entitled to judgment for a return, if the plaintiff shall so require, the Court shall, if the action is tried without a jury, and the jury shall, if the action is tried with a jury, find the amount of the damage sustained by the defendant, and judgment shall then be given in favour of the defendant, in the alternative, for a return, or for the amount of the damage so found.†

6. In all cases of replevin, other than those arising out of a seizure by way of distress where the defendant justifies the taking and proves his case, the judgment for the defendant shall be for a return of the goods with or without costs.

ORDER XXXV.

BILLS OF EXCHANGE ACT, 1855.

1. Where under the Bills of Exchange Act, 1855, a defendant applies for leave to defend he shall satisfy the Judge or, in his absence, the Registrar, by affidavit, that good grounds exist for granting leave to defend the action, and shall file with the Registrar such affidavit, together with a copy thereof, and shall, if required so to do by the Judge or Registrar, give security according to the provision of section 2 of the said Act.

2. Where leave is given to defend, the Registrar shall appoint the action to be heard at the first convenient sitting of the Court to be held after such leave is granted, and shall send to the plaintiff notice thereof according to the form in the Appendix,‡ together with a copy of the affidavits made by the defendant, and shall also send to the defendant by post a notice according to the form in the Appendix.§

3. Any application, under section 3 of the Bills of Exchange Act, 1855, to set aside the judgment, shall be made to the Judge; but until the Judge can hear the same, execution shall be stayed, upon the defendant giving security to abide the decision of the Judge.

ORDER XXXVI.

REGISTRY OF JUDGMENTS.

1. A return of every judgment entered in "The City of London Court" for the sum of 10*l.* and upwards, shall be transmitted by the Registrar to the Registrar of County Courts

* Forms 34, 247, 248.

* Form 247.

† Form 248.

‡ Form 26.

§ Form 27.

Judgments in London, in the same manner as returns of judgments entered in a County Court are now transmitted.

2. A note of every judgment or order in an Admiralty action, or in any action which, before the 2nd November 1875 would have been the subject of a plaint or petition in equity, shall within ten days of the making thereof be transmitted by the Registrar to the Registrar of County Courts Judgments in London, who shall register the same as heretofore.

ORDER XXXVII.

FUNDS (COUNTY COURTS ACT, 1865).

1. Where a party is directed to pay money into Court under the County Courts Act, 1865, he shall attend and pay the same into the office of the Registrar, and obtain a receipt for the amount; and the Registrar shall, unless otherwise ordered by the Judge, pay the same into a post office savings bank, in accordance with the provisions of section 26 of the County Courts Act, 1867.

2. The Registrar shall enter in the "Cash Book" and "Ledger for Equitable Proceedings under the County Courts Act, 1865," all sums so paid to the account of the action or matter, in which it is paid, and where the interest of any fund, paid into a post office savings bank, has been directed to be paid to any person, the Registrar shall pay the same half-yearly out of any general moneys in his hands.

3. The Registrar, wherever he shall be directed by order to draw out of a post office savings bank the fund or part of the fund standing to the account of any action or matter, shall send a letter to the Commissioners of the Treasury according to the form in the Appendix.*

4. Where money has before the 1st January 1868 been invested in stocks and the investment is in the names of the treasurer and Registrar alone, the Registrar shall from time to time receive the dividends of all the funds so standing in their names, and shall re-invest the dividend in the same names, except where and so far as the Court shall otherwise direct, and shall apportion the amount so re-invested in his books to the same accounts as the original investments.

5. Where any order has been made upon any person to pay to the Assistant Paymaster for the Supreme Court any sum of money under section 5 of the County Courts Act, 1865, such order shall be drawn up by the Registrar and issued to the bailiff of the Court; by whom the same shall be served personally upon the persons ordered to make the payment.

* Form 310.

6. Where default shall be made in the production of the certificate of the Assistant Paymaster for the Supreme Court, pursuant to the order made by the Judge, the Registrar shall give notice in writing to the Judge of the fact of such default, and the Judge may thereupon direct a warrant of execution to issue in accordance with section 5 of the County Courts Act, 1865.

7. Where any married woman is interested in any principal money, stocks, shares, or securities exceeding in value 200*l.*, or 10*l.*, in annual payments, she shall be examined by the Judge apart from her husband to ascertain whether the same shall be paid to him or made the subject-matter of a settlement, and if the Judge thinks that a settlement should be made, and in all cases where the married woman is under age, the Judge shall by his judgment make such settlement accordingly; Provided always, that the Judge may, if he thinks fit, order such settlement to be prepared by counsel and settled by the Judge.

ORDER XXXVIII.

THE TRUSTEE RELIEF ACTS. THE SETTLED LAND ACT, 1882. THE COUNTY COURTS ACT, 1867, SECT. 24.

1. All proceedings under the 5th and 6th subsections of section 1 of the County Courts Act, 1865, and under the Settled Land Act, 1882, shall be commenced by filing a petition.

2. Upon the filing of a petition, the Registrar shall issue the copies under the seal of the Court to the bailiff for service upon the respective persons to be served, together with a notice,* signed by the Registrar himself and under the seal of the Court, stating the day and hour on which the petition will be heard, and that if they do not attend, either in person or by their solicitors, such order will be made and proceedings taken as the Judge may think just and expedient.

3. The bailiff of the Court shall, four days at least before the hearing, serve all copies of such petitions and notices.

4. Upon the hearing of any petition or application under this Order, unless the Judge shall otherwise direct, the facts relied upon in support of or in opposition thereto shall be proved by affidavit.

5. The Judge may refer any matter to the Registrar to make enquiries and to report to him the result of such enquiries.

6. In every final judgment or order made upon any petition or application under this Order, liberty shall be given to all parties to apply.

7. Where the Judge makes an order upon

* Form 303.

a petition or application under this Order the Registrar shall, as soon thereafter as conveniently may be, draw up, seal, and file such order.

8.* Any person desiring to pay money, transfer stock, or deposit security in trust to attend the orders of any Court, shall file with the Registrar an affidavit, intituled in the matter of the Act, and of the particular trust, and setting forth:

- a. His own name, address, and description:
- b. The place where he is to be served with any petition or summons, or any notice of any proceeding or order of the Court relating to the trust fund:
- c. The amount of money, stock, or security which he proposes to pay, transfer, or deposit in trust to attend the orders of the Court:
- d. A short description of the trust or of the instrument creating it:
- e. The names, addresses, and descriptions of the persons interested in or entitled to, or claiming to be interested in or entitled to the fund, to the best of the knowledge and belief of the trustee:
- f. The submission of the trustee to answer all such enquiries relating to the application of the money or stock paid in or transferred, or security deposited or otherwise, as the Court may think proper to make or direct.

9. The affidavit in the last preceding Rule mentioned may be according to the form in the Appendix, with such variations as each particular case may require.†

10. Where it is desired to retain any sum of money for costs incurred in the payment of money into Court, or in any matter connected with the trust prior to such payment, a bill of costs shall be filed and such sum only shall be retained as may be allowed by the Registrar on taxation.

11. Probate of the will or the original instrument or document, or such evidence as the Registrar may require as to the instrument creating the trust shall be left with the Registrar for such period as he may reasonably require.

12. Immediately on the receipt by the Registrar of the affidavit, he shall indorse thereon a memorandum of the day on which the same was filed, and when such affidavit shall be so indorsed it shall be taken for all purposes to have been duly filed on the date so indorsed thereon.

13. The Registrar shall compare the statement in the affidavit with the probate or other instrument deposited with him, and

shall indorse on the affidavit a memorandum that he has made such comparison, and shall add to such indorsement any memorandum as to any matters which may be omitted in the affidavit and which he may think material.

14. The persons filing the affidavit, or any of them, may apply to the Registrar to give to them a certificate intituled in the matter of the County Courts Act, 1867, and of the particular trust, and under the seal of the Court, certifying that the affidavit has been filed, and such certificate may be according to the form in the Appendix,* with such variation as each particular case may require.

15. In the case of money, the persons filing the affidavit, or any of them, may, upon the receipt of the certificate in the last preceding Rule mentioned, pay the money into a post office savings bank, under section 24 of the County Courts Act, 1867, and obtain from the officer of the bank a receipt for the same, and shall forthwith leave the receipt with the Registrar, who shall indorse thereupon a memorandum of the day on which the same was received by him; and when such receipt shall be so indorsed it shall be taken for all purposes to have been duly recorded on the date so indorsed thereon.

16. In the case of stock, the persons filing the affidavit, or any of them, may, upon the receipt of the before-mentioned certificate in Rule 14 mentioned, transfer the stock into the names of the treasurer and Registrar of the Court mentioned in the said certificate, in trust to attend the orders of the Court, and shall forthwith leave the transfer ticket with the Registrar, who shall immediately indorse thereon a memorandum of the day on which the same was received by him; and when such transfer ticket shall be so indorsed it shall be taken for all purposes to have been duly recorded on the day so indorsed thereon.

17. In the case of security, the person filing the affidavit may forthwith deposit the security with the Registrar in the name of the treasurer and Registrar, in trust to attend the orders of the Court, and the Registrar shall immediately indorse on the affidavit a memorandum of the day on which the security was deposited with him.

18. The Registrar shall, within twenty-four hours after the deposit of the security as in the last preceding Rule mentioned, send notice thereof by post to the treasurer of the Court, stating therein the particulars of the deposit, which notice may be according to the form in the Appendix,† with such variations as each particular case may require.

* 30 & 31 Vict. c. 142. s. 24. † Form 300.

* Forms 304, 305.

† Form 309.

19. Where there is a Court in which there is not a treasurer, the transfer or deposit shall be made into the names of the Registrar and the superintendent of the County Court department of the Treasury for the time being.

20. Immediately after the recording of the postmaster's receipt or of the transfer ticket, or of the deposit of the security, the Registrar shall give to the persons paying in the said money, or transferring the said stock or depositing the security, an acknowledgment or certificate of such payment or transfer or deposit, and such acknowledgment or certificate may be according to the form in the Appendix,* with such variations as each particular case may require.

21. Immediately after the recording of the postmaster's receipt or of the transfer ticket, or giving a certificate of deposit of security, the Registrar shall cause an entry to be made in the book heretofore called the Suits and Proceedings in Equity Book of the title of the particular trust, and the amount of money paid or stock transferred, or security deposited, and the names and addresses of the persons making such payment, transfer, or deposit, and the name of every person stated in the affidavit to be or to claim to be interested in or entitled to such money, stock, or security, and their addresses and descriptions, as given in the affidavit; and the Registrar shall forthwith, by post, send to each of such last-mentioned persons, to the addresses given in the affidavit, a notice of the said payment, transfer, or deposit, which notice shall be under the seal of the Court, and may be according to the form in the Appendix,† with such variations as each particular case may require.

22. Any person entitled to or claiming to be interested in any funds in Court, or (if need be, but not otherwise) the trustee, who desires the directions of the Court as to the investment, paying out, or distribution of the whole or any part of the fund or the income thereof, may file a petition according to the form in the Appendix ‡ stating therein the substance of the order which he desires to obtain, and praying for the order and direction of the Judge with respect to the fund so paid into Court, and the rights of all persons thereto.

23. Where the application shall relate to the capital of the fund in Court, the trustee and all persons interested in such fund shall be served with a copy of the petition, unless the Judge shall otherwise direct; and where the application relates to the income only of the trust fund, the trustee only shall be

served with the petition, unless the Judge shall otherwise direct.

24. Where a trustee shall have availed himself of the provisions of section 24 of the County Courts Act, 1867, without sufficient reason, the Judge may direct such trustee to bear his own costs, and pay the costs of any other persons, or to bear and pay any part of such respective costs, as the Judge shall think fit.

25. If the person filing the petition relies only on the facts stated in the affidavit filed by the trustee, it shall be sufficient for the person filing such petition to state on oath at the trial that he believes such facts to be true, unless the Judge shall require any further evidence to be adduced.

26. Upon the trial the Judge shall require proof of all facts which are necessary to be ascertained in order not only to grant the specific relief prayed by the petition, but to declare and decide the rights of all parties in or to the fund in Court, and he shall make a final order declaring what such rights are, and make such order as to dealing with the whole of the fund as would be made upon a final judgment in an action for administration.*

27. Where on the petition the petitioner relies only on the facts stated in the affidavit of the trustee, it shall not be necessary for the trustee to appear on the trial, and if he does so appear his costs shall not be allowed out of the fund unless the Judge shall certify that it was right and necessary for him to appear.

28. The Registrar shall pay to any person to whom money is found to be due by the final judgment or order the sum so found due upon his applying for the same and proving his identity to the satisfaction of the Registrar, and where the person was an infant at the time of the making of the final judgment or order upon proof that he has attained the age of twenty-one years.

29. The Judge at the instance of any person interested shall enquire into any proximity, and as to any irrelevant matter in any petition or affidavit, and as to any needless or unnecessary expense thereby incurred, and shall make such order in reference thereto as the justice of the case may require.

ORDER XXXIX.

ADMIRALTY ACTIONS.

Sittings of the Court.

1. The Judge may try or partly try the action at any place within the Admiralty district of the Court.

* Forms 306, 307. † Form 308.

‡ Form 301.

* Form 302.

2. Where application is made to the Judge for the trial or part trial of an Admiralty action at a place in which a Court is not holden, the party making the application shall file a *præcipe* undertaking to provide at his expense a place to the satisfaction of the Judge in which the action may be tried, and pay the necessary expenses of the Judge and officers so attending.*

3. The days of the sitting of the Court shall be those appointed for the transaction of the ordinary general business of the County Court held in the city or town mentioned in the name of the Court, or such other days as the Judge may from time to time appoint for the trying of an Admiralty action where from the detention of a vessel or otherwise a prompt determination of the action is desirable.

Institution of Action.

4. A plaintiff desiring to institute an Admiralty action shall file a *præcipe* stating the nature of the action, his name, address, and description, and if the proceedings are commenced through a solicitor, the name of the solicitor, and an address within three miles of the office of the Registrar at which it shall be sufficient to leave all instruments and documents in the action required to be served upon the party commencing such proceedings, and also stating the name of the owner or other person against whom the action is instituted, or that the action is instituted against the vessel or other property to which the action relates.†

5. In Admiralty actions *in rem*, no service of summons or warrant shall be required where the solicitor of the defendant agrees to accept service and to put in bail or to pay money into Court in lieu of bail.

6. In an Admiralty action for wages against the owners of a foreign vessel, notice of the commencement of the action shall be given to the Consul or Vice-Consul of the state to which the vessel belongs, if there is one resident within the district of the Court, and a copy of the notice shall be annexed to the *præcipe*.

Summons.

7. Immediately upon the filing of the *præcipe* the Registrar shall enter a plaint and issue a summons for service by the solicitor, should the proceedings have been commenced through a solicitor, or by the bailiff of the Court.‡

Arrest.

8. Where after the commencement of an Admiralty action, it is desired to arrest any

vessel or property, the plaintiff must file an affidavit stating the facts which render it probable that the vessel or property will be removed out of the jurisdiction of the Court.

9. In an Admiralty action for necessities or for wages the nationality of the vessel shall be stated in the affidavit.

10. Where upon the filing of the affidavit the Registrar, in the absence of the Judge, is satisfied with the evidence, he may issue a warrant for the arrest and detention of the vessel or property, and where he is not satisfied he may require further evidence to be adduced.*

11. A warrant of arrest may be executed on Sunday, Good Friday, or Christmas Day, as well as on any other day.

Service of Summons or Warrant.

12. Where the vessel or property to which the action relates is within the district, service of the summons or warrant against the ship, freight, or cargo on board shall be effected by delivering it to the person who is at the time of service apparently in charge of the vessel or property, or, if there is no person apparently in charge, by nailing or affixing it on the main mast or on the single mast of the vessel; and in other cases the summons must be served personally upon the defendant, unless the Judge, or, in his absence the Registrar, shall upon facts duly verified upon affidavit allow of substituted service.

13. If the cargo has been landed or transhipped, service of the summons or warrant to arrest the cargo and freight shall be effected by placing the summons or warrant for a short time on the cargo, and afterwards leaving a true copy of such summons or warrant on the cargo.

14. If the cargo be in the custody of a person who will not permit access to it, service of the summons or warrant may be made upon the custodian.

Appearance in Admiralty Actions.

15. A defendant desiring to enter an appearance in an action shall file a *præcipe*, and thereupon an entry of his appearance shall be made in the Admiralty Actions Book.†

16. The *præcipe* shall state the name, address, and description of the party on whose behalf the appearance is entered, and when such appearance is entered by a solicitor, the name of the solicitor, and an address within three miles of the office of the Registrar at which it shall be sufficient to leave all instruments and documents in the action

* Form 318.

† Form 317.

‡ Forms 319, 320.

* Form 321.

† Form 324.

required to be served upon the defendant entering the appearance.

17. Any person claiming to have an interest in the vessel or property, whether cognizable by the Court or not, may intervene for the purpose of having the case transferred to the High Court of Justice.

18. Upon the arrest of any vessel or property an appearance may be entered in the same manner as upon the service of the summons.

19. Where an appearance has been entered the Registrar shall upon application by either the plaintiff or the defendant give to each party in the action, and where no appearance has been entered then to the plaintiff, a notice under the seal of the Court, stating the day upon which the action has been directed by the Judge to be heard.

Release of Property.

20. Where in an Admiralty action the amount sued for is paid into Court, together with costs, or the security completed, or the plaintiff requires it, the Registrar shall deliver to the party applying for the same an order directed to the high bailiff of the Court, authorising and directing him, upon payment of all costs, charges, and expenses attending the custody of the property, to release it forthwith.*

21. Notwithstanding the last preceding Rule, the property, in an Admiralty action for salvage, shall, except with the consent of the plaintiff, not be released until its value has been ascertained either by affidavit, by agreement, or by appraisalment.

Transfer of Action.

22. Where an action is transferred to another County Court or to the High Court by order either of the Court in which the action was commenced or of the said High Court, the Registrar shall transmit the record of the proceedings to the proper officer of the Court, in the same manner as is prescribed by Order XXXIII., Rule 7 of these Rules, for the transmission of proceedings transferred under section 90 of the Supreme Court of Judicature Act, 1873, and sections 3 and 9 of the County Courts Act, 1865.†

23. Where the proceedings have been transferred by an order of the High Court, a copy of the order transferring the proceedings shall be left with the Registrar.

Second or Cross Action.

24. Where it shall appear to the Judge that the plaintiff in an Admiralty action (hereafter called the second action), was or is the de-

fendant in an action (hereafter called the first action) in another Court arising out of the same transaction, and that he did not propose to the plaintiff in the first action that by agreement jurisdiction should be given to the Court in which the first action was commenced to hear and determine the second action, the Judge may, if he shall think fit, refuse the plaintiff in the second action his costs.

25. Where a second or cross action for damage has been commenced by a defendant in an action for damage, and the second action has been commenced, by agreement or otherwise, in the Court in which the first action was commenced, or has been transferred to the said Court by order of any other Court, the Court may direct that both actions may be tried at the same time and upon the same evidence.

Enforcement of Orders.

26. Where a judgment or order has been obtained against an unknown defendant, the vessel or property to which the action relates shall not be taken in execution, but it may be arrested and detained under the provisions of section 22 of the County Courts Admiralty Jurisdiction Act, 1868, or kept under arrest, if already arrested.

27. Where a judgment or order has been obtained in an action against an unknown defendant, and the name of the defendant is subsequently ascertained, the adverse party may deliver to the Registrar a præcipe stating the name, address, and description of the defendant, and thereupon the Registrar shall issue to the solicitor, if such præcipe is delivered through a solicitor, or to the bailiff for service, a notice of the judgment or order, stating thereon that if the defendant does not within four clear days from the day of service deliver a præcipe to the Registrar applying for a rehearing of the action, the vessel or property to which the action relates will be sold in execution.*

28. The notice in the last preceding Rule mentioned shall be served personally upon the defendant, unless the Judge, or in his absence the Registrar, shall upon facts duly verified upon affidavit allow of substituted service.†

Execution against Vessel.

29. Where under a warrant of execution a vessel is seized, the high bailiff shall, before selling the same, cause an inventory and valuation thereof to be made by an appraiser, and the vessel shall not be sold for less than the appraised value thereof, except by order

* Form 323.

† Forms 326, 327.

* Form 317.

† Forms 30, 31.

of the Court. The appraiser shall be allowed 10s. per cent. on the appraised value of the vessel, and a reasonable sum for travelling expenses and maintenance, if the vessel is beyond three miles from Registrar's office.

30. On the completion of the sale the high bailiff shall pay the proceeds arising therefrom into Court, return the warrant, and file an account of the sale and of his fees thereon, signed by him, together with the certificate of appraisement signed by the appraiser.

31. On the completion of the purchase the high bailiff shall deliver up the property to the purchaser, and if required so to do shall execute a bill of sale to him at the expense of the purchaser.

Transfer of Sale.

32. Where the vessel has been arrested or has been seized under a warrant of execution, and the sale of the vessel has been ordered to be transferred to the High Court, the vessel shall be retained by the high bailiff until the marshal shall, by order of the High Court, take possession thereof.

33. The party desiring that the sale of any vessel or property should be conducted in the High Court of Justice, may at any time after judgment give security to the amount of 10*l.*, and deliver to the Registrar an application for an order for the transfer of the proceedings for sale to the said High Court.

34. The Registrar shall transmit the application in the last preceding Rule mentioned to the Judge for his order thereon, if the Court is not sitting, and shall in any case certify on the application that the security for costs has been given.*

Notice of Defence in Collision.

35. Where in actions for damage by collision the defendant intends to set up as a defence that the vessel was by compulsion of law in the charge of a pilot, he shall give notice thereof to the adverse party as soon after the service of summons as may be, and if he shall fail to give such notice the Judge shall, in exercising his discretion as to costs, consider what effect the non-delivery of the notice has had in the action.

Tenders.

36. The party desiring to make a tender shall give a notice to the adverse party of the terms and amount of the tender, and shall pay the amount into Court, and deliver a præcipe.†

37. Within forty-eight hours from the payment the adverse party shall file a notice stating whether he accepts or rejects the

tender, and, if he shall fail to do so, he shall be deemed to have rejected it.

Payment out of Court.

38. Money ordered in an Admiralty action to be paid out of Court may be paid to the solicitor on the record, without the production of a power of attorney from the party entitled to receive the money, unless the Judge shall otherwise order.

39. Where more than one action has been commenced against a vessel or any property, and the same has been sold, the proceeds thereof shall be retained in Court, to abide the decision of the Court in the various actions, unless the Judge shall otherwise order.

Appraisalment.

40. The Registrar may, on the application of either party, and whether before or after judgment, order any property under arrest to be appraised, and the same allowances shall be made to the appraiser as are directed to be allowed by Rule 29 of this Order.

Records of the Court.

41. The parties in an action, their solicitors, or the clerks of the solicitors, may, while the action is pending, and for one year after its termination, inspect, free of charge, all the records in the action.

42. In a pending action no person other than the parties, their solicitors, or the clerks of the solicitors, shall be entitled to inspect the records in the action without the permission of the Registrar.

43. In an action which has been finally disposed of, any person may, on delivering to the Registrar a præcipe, and on payment of the proper fee, inspect the records in the action.

Copies.

44. Any person entitled to inspect any instrument or document in an action shall, on delivering to the Registrar a præcipe, and on payment of the proper charges for the same, be entitled to an office copy thereof.

Assessors.

45. The party requiring the Judge to be assisted by two assessors shall at the time of delivering the præcipe pay to the Registrar the sum of two guineas if the amount claimed does not exceed 100*l.*, and four guineas if it does exceed that amount, and such payments shall be considered as costs in the action, unless otherwise ordered by the Judge.

46. Where the Judge requires the assistance of two assessors, the fees in the last preceding Rule mentioned shall be paid by the plaintiff or his solicitor before the trial,

* Form 332.

† Form 333.

and shall be costs in the action, unless otherwise ordered by the Judge.

47. Where an action is adjourned, the plaintiff shall pay the assessors' fees for the day of adjournment forthwith after the order of adjournment is made by the Judge.

48. Upon the delivery of the præcipe in Rule 45 mentioned, or upon the requirement of the Judge as in Rule 46 mentioned, the Registrar shall select from the list of assessors the names of two persons whom he may, having reference to the nature of the action to be tried, consider most capable of assisting the Judge in trying and determining it, and shall send to each of such persons by post a summons according to the form in the Appendix.*

49. The Registrar shall pay to every assessor for each day's attendance and service in every action one guinea or two guineas, according as the amount claimed in the action does or does not exceed 100%.

ORDER XL.

AGRICULTURAL HOLDINGS (ENGLAND) ACTS, 1875 and 1883.

1. When an appeal is made to the Judge against an award made under the Agricultural Holdings (England) Act, 1875, or the Agricultural Holdings (England) Act, 1883, the party prosecuting the appeal shall be called the appellant and the party supporting the award the respondent.

2. The appellant shall, within eight days after the delivery of the award, file a copy thereof, together with a concise statement in writing of his grounds of appeal, which shall contain the following particulars:—

- (1.) If the appeal shall be made on the ground mentioned in section 36, sub-section 1, of the first-mentioned Act, or section 23, sub-sections 1 and 2, of the last-mentioned Act, a statement of the several objections to the validity of the award on which he relies:
- (2.) If the appeal is on any of the grounds mentioned in section 36, sub-section 2, of the Act of 1875, or section 23, sub-section 3, of the Act of 1883, a statement shewing in respect of what matters compensation is alleged to have been improperly awarded:
- (3.) If the appeal is made on any of the grounds mentioned in section 36, sub-section 3, of the Act of 1875, or section 23, sub-section 4, of the Act of 1883, a statement shewing in respect of what matters compensation is alleged to have been improperly withheld:

(4.) No ground of appeal shall be allowed at the trial unless the foregoing provision of this Rule shall, in respect of such ground, have been complied with:

(5.) The full names and addresses of the respondent and of the appellant and his solicitor if the proceedings are commenced through a solicitor.

3. The Registrar shall, within twenty-four hours after the filing of the concise statement, transmit a copy thereof by post to every respondent at the address furnished to him, accompanied by a notice requiring the respondent to comply with the provisions of the next following Rule, according to the form in the Appendix.*

4. The respondent shall, within eight days after the transmission of the grounds of appeal to him, deliver to the Registrar a statement in writing signed by himself or his solicitor disclosing the following matters:—

- (1.) Whether he disputes the validity in law of all, or any, and which of the grounds of objection to the award:
- (2.) Whether he disputes the truth in fact of all, or any, and which of the grounds of appeal:
- (3.) Whether he admits the validity in law and truth in fact of all, or any, and which of the grounds of appeal:
- (4.) Whether he prays that the case may be remitted to be reheard.
- (5.) His full name and address, and that of his solicitor if the statement be delivered through a solicitor.

5. Upon the receipt of the statement in the last preceding Rule mentioned, the Registrar shall transmit a copy thereof and of the award and grounds of appeal to the Judge, who shall, as soon as conveniently may be, appoint a time and place for the hearing of the appeal and instruct the Registrar to give notice thereof forthwith to the parties.

6. The Judge shall hear and determine the appeal, and the order thereupon may be enforced in the same manner as any other judgment of the Court.†

7. Every application for the appointment of a referee or umpire under section 22, sub-sections 6 and 9, or under section 23, sub-section 2, of the said Act of 1875, or section 9, sub-section 6 and 9, of the said Act of 1883, shall be by summons sealed with the seal of the Court, and returnable not less than seven days from the date thereof, except by consent. Such summons shall be taken out by the party applying, and shall be addressed to the other party, and shall direct the party summoned to attend before the

* Form 335.

* Form 311.

† Form 312.

Judge or Registrar (as the case may be) in Chambers on the return day thereof, for the purpose of proceeding with the appointment asked for. Such summons shall be served by the applicant's solicitor upon the other party's solicitor, if acting by one, and if not so acting, upon the other party personally. The appointment may be made by indorsement on the summons. If either party should desire that such application be heard before the Judge, he shall give notice in writing to the Registrar two clear days at least before the day fixed for the hearing of the application, and in such case the application will come on before the Judge on a day to be fixed by the Registrar. If no such notice be given, then the application may be disposed of by the Registrar, who shall have power to adjourn the application, if he shall think fit, for hearing by the Judge.

ORDER XLI.

THE FRIENDLY SOCIETIES ACT, 1875, &c.

1. Every dispute referred to the Court under the Friendly Societies Act, 1875, the Industrial and Provident Societies Act, 1876, the Building Societies Act, 1874, or the Literary and Scientific Institutions Act, 1854 (in this Order referred to as the said Acts), shall be so referred by plaint and summons in the ordinary way.

2. In proceedings commenced pursuant to the last preceding Rule, the claiming or aggrieved member (or other person) shall be plaintiff, and the society, either in its own name, or in the name of such persons as are authorised by the said Acts respectively to be sued on behalf of the society, shall be defendants.

3. Particulars of demand shall be filed in all cases of disputes under the said Acts, and shall state concisely the nature of the dispute referred, and the relief or order which the plaintiff claims.

4. All applications to the Court by the trustees or authorised officers of a friendly society in respect of any of the matters mentioned in section 20 of the Friendly Societies Act, 1875, shall, whether any bond be put in suit or not, be by action commenced by plaint and summons in the ordinary way in which the society or the trustees or authorised officers thereof shall be plaintiffs and the person against whom the application is made defendant.

5. Applications to the Court under the Building Societies Act, 1874, against officers of the society, shall, whether any bond be put in suit or not, be by action commenced by plaint and summons in the ordinary way, in which the society shall be plaintiffs, and

the officer against whom the application is made defendant.

6. Particulars of demand shall be filed in all actions commenced pursuant to Rules 4 and 5 of this Order.

7. If the application be made by action without putting the bond in suit, the particulars shall state shortly the nature of the thing required to be done or the neglect complained of.

8. If the thing required to be done be the delivering up of any property, the particulars shall contain a description of the property required to be given up.

ORDER XLII.

WINDING UP OF COMPANIES AND SOCIETIES.

The general orders, rules, and forms in the Chancery Division of the High Court of Justice regulating the mode of proceeding under "The Companies Acts, 1862 and 1867," shall be the orders, rules, and forms in all proceedings in the County Courts for the winding up of a society registered under "The Building Societies Act, 1874," "The Industrial and Provident Societies Act, 1876," or for the winding up of a company under "The Companies Acts, 1862 and 1867," so far as the same are applicable: Provided that where it shall appear to the Court inconvenient that the Bank of England should be the bank used for the purposes mentioned in the order and rules, it shall be competent for the Court to name some bank to be used in lieu of the Bank of England.

ORDER XLIII.

THE LOCAL LOANS ACT, 1875.

1. An application to the Court for the appointment of a receiver under the provisions of section 12 of "The Local Loans Act, 1875," shall be made by petition, and the same procedure shall be followed and the same fees be paid and costs allowed as on any other petition to the Court in which the subject-matter of the petition exceeds 100*l*.

2. An application to the Judge for rectification of a register of nominal securities under the provisions of section 25 of "The Local Loans Act, 1875," shall be made by petition, and the same procedure shall be followed, and the same fees be paid, and costs allowed, as on any other petition to the Court in which the subject-matter of the petition exceeds 20*l*. and does not exceed 100*l*.

3. The Court to which petitions shall be presented under this Order shall be the Court of the district in which the local authority exercises its authority.

ORDER XLIV.

THE EMPLOYERS' LIABILITY ACT, 1880.

Service of Summons.

1. A summons in an action brought under the provisions of the Employers' Liability Act, 1880, where it is to be served in the home district, should in order to ensure its service be delivered to the bailiff thirty-two clear days at least, and where it is to be served in a foreign district, thirty-five clear days before the return day, but it shall in either case be served thirty clear days before the return day thereof.

2. Particulars of demand shall be filed by the plaintiff at the time of the entry of the plaint, whatever the amount claimed may be; and a copy thereof shall be forthwith sent to the Judge.

3. The particulars of demand shall state in ordinary language the cause of the injury, and the date at which it was sustained, and the amount of compensation claimed, and where the action is brought by more than one plaintiff, the amount of compensation claimed by each plaintiff, and where the injury of which the plaintiff complains shall have arisen by reason of the act or omission of any person in the service of the defendant, the particulars shall give the name and description of such person.

Jury.

4. Notice of a demand for a jury shall be given in writing to the Registrar of the Court fifteen clear days at least before the return day, and the summonses to the intended jurors shall be delivered to the bailiff forthwith.

Assessors.

5. Any person who shall, as hereinafter provided, be appointed by the Judge to act as an assessor in the action, shall be qualified so to act.

6. Where no demand for a jury shall have been made, a party who desires assessors to be appointed shall, ten clear days at least before the return day, file an application according to the form in the Appendix * stating the number of assessors he proposes to be appointed, and the names, addresses, and occupations of the persons who may have expressed their willingness in writing to act as assessors. If the applicant has obtained the consent of the other party to the persons named being appointed, he shall file such consent with his application.

7. Where the application for the appointment of assessors has been made by only one party to an action, the Registrar shall forward

a copy of the application so made to the other party, who may then either file an application for assessors, or file objections to one or more of the persons proposed.

8. Where separate applications are filed by the parties, no objection to the persons proposed shall be made by either party, but the Judge may appoint from the persons named in each application one or more assessors, provided that the same number of assessors be appointed from the names given in such applications respectively.

9. The applications for the appointment of assessors, together with any objections made to the persons proposed, shall be forwarded by the Registrar to the Judge.

10. Where the Judge shall grant the application for the appointment of assessors he shall appoint such of the persons proposed for assessors as he may think fit, subject to the provisions contained in this order.

11. In any action where no demand for a jury has been made, and an application for the appointment of assessors has been filed, the Judge may, either before or at the return day, nominate one or more additional persons to act as assessor or assessors in the action. Where no application for assessors has been made, the Judge may, if he think fit, appoint any one or more persons to act as assessors in the action before or at the return day.

12. If at the time and place appointed for the trial all or any of the assessors appointed shall not attend, the Judge may either proceed to try the action with the assistance of such of the assessors, if any, as shall attend, or he may adjourn the trial generally, or upon any terms which he may think fit, or he may appoint any person who may be available and who is willing to act, and who is not objected to or who if objected to is objected to on some insufficient ground, or the Judge may try the action without assessors if he shall think fit.

13. Every person nominated as an assessor shall receive for each day's attendance in every action the sum of two guineas, together with such further sum, if any, for his expenses as the Judge may order.

14. Every person requiring the Judge to be assisted by assessors shall at the time of filing his application deposit with the Registrar the sum of two guineas for each assessor proposed, and such payments shall be considered as costs in the action, unless otherwise ordered by the Judge. Provided that where a person proposed as an assessor shall have in writing informed the Registrar that he does not require his remuneration to be so deposited, no deposit in respect of such person shall be required.

15. Where an action shall be tried by the

* Form 128.

Judge with the assistance of any assessors in addition to or independently of any assessors proposed by the parties the remuneration of such assessors shall be borne by the parties, or either of them, as the Judge shall direct.

16. If after an assessor has been appointed the action shall not be tried, the Judge shall have power to make an allowance to him in respect of any expense or trouble which he may have incurred by reason of his appointment, and direct the payment to be made out of the sum deposited for his remuneration.

17. The assessors shall sit in Court with the Judge, and assist him when required with their opinion and special knowledge for the purpose of ascertaining the amount of compensation, if any, which the plaintiff is entitled to recover.

Judgment where several plaintiffs.

18. Where two or more persons are joined as plaintiffs under Order III., Rule I. and the negligence, act, or omission which is the cause of action shall be proved, the judgment shall be for all the plaintiffs, but the amount of the sum so awarded for damages and the costs ordered to be paid to each such plaintiff shall be found and set forth in the judgment, and the amount of costs awarded in the action shall be ordered to be paid to such person and in such manner as the Court may think fit.

19. Should the defendant fail to pay the several amounts of compensation and the costs awarded in the action, execution against his goods may issue as in an ordinary action, and should the proceeds of the execution be insufficient, after deducting all costs, to pay the whole of the amounts awarded, a dividend shall be paid to each plaintiff, calculated upon the proportion of the amount which shall have been awarded to the respective plaintiffs to the total amount realised after the deduction of all the costs of the action as aforesaid.

ORDER XLV.

INFERIOR COURTS JUDGMENTS EXTENSION
Act, 1882.

1. Where, under section 3 of the Inferior Courts Judgments Extension Act, 1882, application is made for the grant of a certificate of a judgment, a fee of two shillings and sixpence shall be paid, and proof that the judgment has not been satisfied and of the amount remaining unsatisfied shall be given to the satisfaction of the Registrar by affidavit, if required.

2. If the judgment is for payment within a period therein mentioned or by instalments,

and such period shall not have expired or default shall not have been made in payment of some instalment, the certificate shall not be granted.

3. The names, businesses, or occupations, and addresses of the parties to be set forth in the certificate shall be those set forth in the books of the Court.

4. The Registrar shall indorse on the certificate the number of the plaint and the amount remaining due on the judgment, according to the books of the Court, and, after his signature, shall add to the certificate the date on which it is granted.*

5. Where a certificate of a judgment is granted by a Registrar he shall make on the minute of the judgment a memorandum of having granted such certificate, and thenceforth no further proceeding shall be taken or had upon such judgment in the same Court, until the Judge, or Registrar, upon being satisfied that the execution issued in the Court in which the certificate was registered was unproductive, shall order that the judgment may be acted on as if such certificate had not been granted.

6. There shall be allowed to a solicitor for the costs of obtaining the certificate five shillings, and where an affidavit is required, seven shillings.

7. The costs, if any, allowed, with the addition of the fee of two shillings and sixpence to be paid for the granting of the certificate, shall be indorsed on the certificate by the officer granting the same; which indorsement shall be an authority for the Registrar of the Court in which the certificate is registered to add the said costs and fee to the amount to be recovered by execution against the goods and chattels of the person against whom the judgment shall have been obtained.

8. The person presenting a certificate for registration shall add to his note of presentation, to be appended to the certificate, a description of the place within the jurisdiction of the Court in which the goods and chattels of the person against whom the judgment has been obtained are, and shall also present a copy thereof, with the indorsement thereon, written on foolscap paper. Payment of a fee of two shillings and sixpence shall be made at the time of presentation.

9. On the presentation of a certificate for registration, with a copy as aforesaid, the Registrar shall, if the place, within which the goods and chattels of the person against whom the judgment has been obtained are stated to be, is within the jurisdiction of the Court of which he is the Registrar, seal the certificate and register the same by pasting

* Form 314.

it into the then current Minute Book of the Court, on or about the last page of such book, and shall seal and date the copy of the certificate and return it to the person presenting the certificate.

10. There shall be allowed to a solicitor for the cost of registering a certificate the sum of five shillings, which, with the fee for registry and the cost, if any, allowed for granting the certificate as shewn by the indorsement thereon, shall be added to the amount to be recovered. The warrant of execution shall be according to the form in the Appendix.*

11. No money shall be paid out of Court unless on production of the sealed copy of the certificate. Provided that, in the event of such copy being lost or destroyed, another copy may be sealed and given to the proper person, upon proof by affidavit or otherwise to the satisfaction of the Registrar that the person applying is the proper person, and that he is entitled to the moneys recovered on the judgment, and upon payment of the fee of one shilling.

ORDER XLVI.

MARRIED WOMEN'S PROPERTY ACT, 1882.

1. Where application is made under section 17 of the Married Women's Property Act, 1882, particulars of the question to be submitted to the decision of the Court shall be filed, and thereupon a summons shall be issued according to the form in the Appendix,† and the same fee shall be taken as upon the entry of a plaint, and all subsequent proceedings shall be had as if the proceeding had been commenced by the entry of a plaint, and the proceeding shall be deemed to be a plaint.

2. The Judge shall direct upon what scale the costs of the proceeding shall be taxed.

ORDER XLVII.

ACKNOWLEDGMENTS BY MARRIED WOMEN.

1. All alterations, interlineations, or erasures in the certificate or affidavit respectively, required for the purposes of obtaining the acknowledgment of a married woman, must be initialed by the Registrar, who must also administer the oath to the solicitor making the affidavit.

ORDER XLVIII.

CHARITABLE TRUSTS.

1. The Registrar of every Court shall keep a book, to be called "The Charitable Trusts Book," in which all proceedings taken in that

Court in matters of Charitable Trusts shall be recorded according to the form in the Appendix.*

2. Where any person has obtained the required order or certificate from the Charity Commissioners, and is desirous of taking proceedings in the Court, he shall produce such order or certificate to the Registrar, who shall retain and file the same in numerical order in his office, and the party producing such order or certificate shall be deemed the plaintiff in such proceedings; and the person served with a summons under Rule 4 of this Order shall be deemed the defendant.

3. When the Attorney-General shall propose to take proceedings in the Court, he shall cause to be delivered or transmitted to the Registrar a written statement shewing the nature and object of the proposed proceedings, and the Registrar shall retain and file such statement in numerical order in his office, and the Attorney-General shall in such proceedings be deemed the plaintiff, and the person served with a summons under Rule 4 of this Order shall be deemed the defendant.

4. Upon the production of any order, certificate, or statement in this Order before mentioned, the Registrar shall at the instance of the plaintiff prepare a summons thereon according to the form in the Appendix,‡ in which shall be stated the substance of the order, certificate, or statement, and he shall make as many copies thereof as there are parties required by the plaintiff, in writing, to be summoned, and two additional copies, the one to be filed in the Registrar's office, and the other to be transmitted to the Charity Commissioners.

5. The Registrar, if required by the plaintiff, shall prepare a notice to attend proceedings according to the form in the Appendix † to be served on any persons indicated by the plaintiff, in writing, besides those summoned under the last preceding order, and the Registrar shall make as many copies thereof as there are persons to whom such notice is to be given, and two additional copies, one to be filed in his office, and the other to be transmitted to the Charity Commissioners.

6. The Registrar shall forthwith transmit by post prepaid a copy of the summons to each of the parties required to appear, and a copy of the notice to attend proceedings to each of the persons indicated by the plaintiff, and such transmission shall be sufficient service, unless the Judge shall in any case otherwise direct.

7. Where the plaintiff does not require any summons or notice to attend proceedings to be issued, the Registrar shall prepare a notice

* Form 315.

† Form 316.

* Form 341. † Form 338. ‡ Form 339.

of hearing, according to the form in the Appendix,* and two additional copies thereof, one to be filed in his office, and the other to be transmitted to the Charity Commissioners, and shall either deliver such notice to the plaintiff, or cause it to be served on him by prepaid post letter, unless the Judge shall in any case otherwise direct.

8. In all cases it shall be competent for the Registrar, if required by the plaintiff, to summon some persons, and to serve others with either or both of the said notices; or to serve a notice of hearing on the plaintiff, and a notice to attend proceedings on any other person.

9. In all cases, it shall be competent for the Judge to direct in any case what persons, or additional persons, shall be served with a summons or notice to attend proceedings or notice of hearing.

10. Upon the requisition of the Charity Commissioners, the Judge shall transmit to them at their office by post or otherwise, a copy of his note of the evidence taken at the hearing, or such part thereof as may be required by the Commissioners, sealed with the seal of the Court.

11. Upon the requisition of the Attorney-General in proceedings instituted by him, the Judge shall transmit to him by post or otherwise, a copy of his note of the evidence taken at the hearing, or such part thereof as may be required by the Attorney-General.

12. A copy of the summons, notice to attend proceedings, or notice to appear, together with a copy of the Order made by the Court, shall in all cases be transmitted by the Registrar forthwith after the hearing, by post or otherwise, as the Judge shall direct, to the office of the Commissioners.

13. Where the annual income of the Charity exceeds 10%, the Court fees shall be payable as in cases within the ordinary jurisdiction of the Court, without prejudice to the privilege of the Attorney-General as to costs, and the Charitable Funds may be made liable to the payment thereof, at the discretion of the Judge.

14. Where the annual income of the Charity does not exceed the sum of 10%, no Court fees shall be payable out of the funds of the Charity; nor shall any Court fees be paid by any party to the proceeding, unless the Judge shall, in his discretion, order any of the parties to the proceeding before him to pay such fees as he shall think fit, without prejudice to the privilege of the Attorney-General as to costs.

15. Where more than one Charity is joined in one application, one set of Court fees only shall be payable, such fees to be calculated

on the aggregate amount of the incomes of the Charities so joining.

16. Where Court fees are payable, they shall be calculated according to the scale of fees applicable to proceedings for the recovery of tenements under section 50 of the County Courts Act, 1856, the annual income of the Charity, in like manner as the annual rent of the tenement, being treated as the basis of calculation.

17. At the hearing, any person who has been summoned, or has received notice to attend proceedings, or who is authorised to apply under section 43 of the Charitable Trusts Act, 1853, may appear, and shall be heard in opposition to the application authorised by the order or certificate of the Commissioners, or the statement of the Attorney-General, subject to the payment of such costs as the Judge shall direct.

18. The order or certificate of the Commissioners, or statement of the Attorney-General as to the amount of the annual income, shall be conclusive, and the other statements contained in the certificate or order of the Commissioners, or the statement of the Attorney-General shall, unless disputed, be taken as true.

19. The enactments, orders as to fees, practice, and forms in force and used in the County Courts, shall, subject to the Rules of this Order, be adopted with reference to proceedings in matters of charitable trusts, so far as the same are applicable, *mutatis mutandis*.

20. The accounts of Trustees of Charities, when delivered to the Registrar, shall be filed by him in numerical order, and annually indexed alphabetically according to the titles of such Charities, or the names or description by which they are known, or may be identified.

ORDER XLIX.

PROBATE OR LETTERS OF ADMINISTRATION.

1. Any person desirous of taking proceedings under the Court of Probate Act, 1857, for amending the law relating to probates and letters of administration in England, as amended by the Court of Probate Act, 1858, or by any other Act, shall lodge with the Registrar an application in writing according to the Form in the Appendix,* duly stamped with the proper duty thereon, and at the same time lodge with the Registrar an office copy of the minute of the High Court authorising such application.

2. Where any person shall have lodged a caveat against the grant of probate or letters of administration, and proceedings are pro-

* Form 340.

* Form 347.

posed to be taken, the person who shall have applied for the probate or letters of administration shall be deemed the plaintiff in the proceedings, and the person who shall have lodged the caveat shall be deemed the defendant.

3. The party making application for the revocation of probate or letters of administration shall be deemed the plaintiff in the proceedings, and the party against whom the application is made shall be deemed the defendant.

4. Where an application shall be made for the grant or revocation of probate or letters of administration, the Registrar shall issue a notice to the defendant according to the form in the Appendix,* and deliver a notice, according to such form, then and there to the plaintiff or his agent.

5. The above-mentioned notice shall be issued ten clear days before the day on which the Judge shall proceed to make an order in the matter.

6. Notices shall be served by a bailiff by his delivering the same to some person at the respective places of residence of the parties, as mentioned in the application for proceedings to be taken.

7. The Registrar, at the time that he issues the notices in proceedings for the revocation of the grant of probate or letters of administration, shall give notice by post, according to the form in the Appendix,† to the district probate Registrar by whom the probate or letters of administration has or have been granted, to produce the original will or other necessary documents, at the Court at which the matter of the application will be considered.

8. The certificate to be given by the Registrar under section 55 of the Court of Probate Act, 1857, shall be according to the form in the Appendix; ‡ and on or before the day mentioned in the notice, the plaintiff shall deliver to the Registrar such form, stamped with the proper duty thereon, and the action or matter shall not proceed until such form duly stamped is so delivered. Provided that the defendant may procure and deliver such form duly stamped if the plaintiff shall have neglected to deliver such form so stamped.

9. Upon the day mentioned in the notice the Judge, whether both parties are then before him or not, may proceed to consider the matter of the application, and to make an order thereon, or he may adjourn the proceedings, from time to time, as he may think fit.

10. The order shall be according to the form in the Appendix,§ and a copy of such

* Form 348.

† Form 350

‡ Form 349.

§ Form 351.

order shall be sent by post to the plaintiff and defendant.

11. Where application for probate or letters of administration has been made at the principal registry of the Probate, Divorce, and Admiralty Division of the High Court, and any contentious matter shall arise out of such application, and a Judge thereof shall send the action or matter to Court, the Registrar, upon the receipt thereof, shall forthwith issue a notice, according to the form in the Appendix,* both to the plaintiff and defendant, without any application being made by the plaintiff.

12. In proceedings under this Order for which no Rules are hereby provided, the Rules and practice of the High Court shall be followed so far as they are applicable.

ORDER L.

Costs.

1. In every action or matter in any Court all costs shall be taxed by the Registrar of such Court according to the scales of costs in the Appendix, subject to the review of such taxation by the Judge thereof.

2. Where practicable the costs of an action or matter shall be taxed on the day on which the action or matter is tried or heard, and where the costs have not been so taxed one day's notice of taxing, together with a copy of the bill of costs if the Registrar shall so direct, shall be given by the solicitor of the party whose costs are to be taxed to the other party or his solicitor.

3. Notice of taxation may be sent by post prepaid, provided that it is posted in time to reach the party to whom it is addressed in due course of post before noon of the day preceding the day fixed for taxation.

4. Any party who may be dissatisfied with the allowance or disallowance by the Registrar on taxation, in any bill of costs taxed by him, of the whole or any part of any items, may, at any time before the certificate or allocatur is signed, deliver to the other party interested therein, and carry in before the Registrar on taxation, an objection in writing to such allowance or disallowance, specifying therein by a list, in a short and concise form, the items, or parts thereof objected to, and the grounds and reasons for such objection, and may thereupon apply to the Registrar to review the taxation in respect of the same.

5. Upon such application the Registrar shall reconsider and review his taxation upon such objection, and he may, if he shall think fit, receive further evidence in respect thereof,

* Form 348.

and, if so required by either party, he shall state either in his certificate of taxation or allocatur, or by reference to such objection, the grounds and reasons of his decision thereon, and any special facts or circumstances relating thereto.

6. Where two or more defendants are joined and judgment is given separately against each with costs, unless the Judge shall otherwise order the costs shall be apportioned according to the respective amounts of each judgment.

7. In taxing the costs incurred in the High Court previous to the transmission of the action to the Court under sections 7 or 10 of the County Courts Act, 1867, the Registrar shall tax the same according to the scale of costs and fees in use in the High Court, except where the action is transmitted under the first of such sections, and the plaintiff recovers a sum (exclusive of costs) not exceeding 50*l*.

8. Where a Judge certifies under section 5 of the County Courts (Costs and Salaries) Act, 1882, a minute of the certificate having been given and the grounds upon which the same has been granted, shall be entered on the minutes of the Court.

9. Costs of warrants, whether executed or unexecuted or unproductive, shall be allowed against the defendant, unless the Judge shall otherwise direct.

10.* No possession fee shall be payable where an execution is paid out at the time of the levy; but if the bailiff shall necessarily remain in possession more than half an hour, and the execution shall be paid out on the day of levy, the possession fee for that day shall be charged.

11. No appraisalment is to be made until the fifth day of the bailiff's holding possession of the goods under an execution, unless the goods are of a perishable nature, or are sold at the request of the party before the expiration of four days, or are removed.

12. No costs shall be allowed to a solicitor for attending at the hearing of a judgment summons, unless the party for whom he appears resides out of the district of the Court at which the summons is heard, and the Judge shall think fit to allow the same.

13. Where on the hearing of a judgment summons the Judge in lieu of making an order of commitment shall make a fresh order for payment by instalments, no costs for fees or witnesses shall be allowed to a judgment creditor, unless the Judge shall be satisfied that the debtor has made default and has had since the date of the original judgment the means to pay the sum in respect of which

he has made default, and a minute thereof is entered in Book H.

14. Costs in actions under the County Courts Act, 1856, section 23, shall be taxed according to the higher scale of costs, Column B., in the Appendix unless the Judge shall otherwise order.

15. In Admiralty actions where the amount recovered does not exceed 20*l*., the costs shall be allowed according to the higher scale in the Appendix applicable to actions where the amount claimed exceeds 20*l*., unless the Judge shall otherwise order; and the costs of any proceeding special to Admiralty actions may be allowed on the principle of the scale of costs applicable to such actions.

16. The costs of witnesses, whether they have been examined or not, may, unless otherwise ordered by the Judge, be allowed, though they have not been summoned, and except in cases referred to in Rule 18 of this Order, their allowance for attendance shall not exceed the highest rate of the allowances mentioned in the scale in the Appendix.

17. Seamen necessarily detained on shore for the purpose of the action shall be allowed such remuneration as the Judge may think reasonable compensation for their loss of time.

18. In any action in which a party is entitled of right or by order of the Judge to tax his costs on the higher scale in the Appendix applicable to actions in which a sum exceeding 20*l*. or 100*l*. (as the case may be) is recovered, the Judge may order that any scientific witnesses may be allowed for qualifying to give evidence and for attending such trial such sums as the Registrar on taxation may think fit not exceeding the maximum allowances mentioned in the scale in the Appendix, and in like cases the Judge may order that the expense of preparing and proving plans, drawings, models, &c., be allowed in accordance with such scale.

19. Costs in actions for the recovery of tenements and in actions of replevin may, where the Court fees are paid on 5*l*. or upwards, be allowed to solicitors upon the higher scale in the Appendix applicable to actions where the amount claimed exceeds 20*l*., if the Judge shall so order.

20. In actions where the claim exceeds 20*l*. and the plaintiff recovers a sum not exceeding 20*l*., he shall, if the Judge shall so order, be entitled to recover costs according to the higher scale in the Appendix applicable to actions where the claim exceeds 20*l*. and does not exceed 100*l*., and the defendant, if successful, shall be entitled to recover costs, according to the scale applicable to the amount claimed, unless the Judge shall otherwise order.

21. Where the plaintiff recovers less than

* 9 & 10 Vict. c. 95. s. 106.

the amount of his claim, so as to reduce the scale of Court fees, he shall pay the difference, unless the reduction shall be caused by a set-off.

22. Where a counter-claimant fails to establish his counter-claim, he may be ordered to pay to the plaintiff costs on any such scale in the Appendix as the Judge may think just, and where he succeeds in establishing his counter-claim, the plaintiff may be ordered to pay to him costs on such scale as the Judge may think just.

23. No counsel's fee is to be allowed upon the hearing of any motion or application, nor upon any reference, unless by order of the Judge.

24. A fee to counsel on conference is not to be allowed, unless by order of the Judge.

25. The fee for perusals shall not be allowed where the same solicitor is acting for both parties.

26. A folio shall comprise 72 words, every figure comprised in a column or authorised to be used counting as one word.

27. Where in the course of an action or matter a party suing or sued in a fiduciary or representative character necessarily incurs costs not allowable upon taxation under any scale, the Registrar shall apply to the Judge, who may, by an order to be filed with the proceedings, allow such a sum as he may think fit for such costs to be paid out of any funds in Court applicable to the purpose.

28. As to the inspection of documents, no allowance is to be made for any notice or inspection, unless it is shewn to the satisfaction of the Registrar on taxation that there were good and sufficient reasons for giving such notice and making such inspection.

29. When any real property is directed to be sold, the ordinary conveyancing charges shall be allowed.

30. Instructions for special affidavits shall not be allowed unless in the opinion of the Registrar on taxation the facts on which such affidavits are grounded had not become known to the solicitor or his clerks in the course of the business.

31. More than one attendance at the office of the Registrar in an action or matter shall not be allowed, unless the Registrar on taxation is satisfied that each separate attendance was necessary.

32. No costs which are to be paid or borne by another party shall be allowed which do not appear to the Registrar on taxation to have been necessary or proper for the attainment of justice or defending the rights of the party incurring the same, or which appear to the Registrar on taxation to have been incurred through over-caution, negligence, or mistake, or merely at the desire of such party.

83. All fees or allowances which are discretionary shall, unless otherwise provided, be allowed at the discretion of the Registrar on taxation, who, in the exercise of such discretion, shall take into consideration the other fees and allowances to the solicitor and counsel, if any, in respect of the work to which any such allowance applies, the nature and importance of the action or matter, the amount involved, the interest of the parties, the fund or persons to bear the costs, the general conduct and costs of the proceedings, and all other circumstances.

ORDER LI.

GENERAL PROVISIONS.

1. Where by these Rules any act may be done by any party, such act may be done either in person or by his solicitor or agent, if it can be legally done by an agent.

2. Where a party acts by solicitor, service of any proceeding or document upon such solicitor, or delivery of the same at his office, or sending the same to him by post prepaid, shall be deemed to be good service upon the party for whom such solicitor acts, as upon the day when the same is so served or delivered, or upon which in the ordinary course of post it would be delivered, except in cases where by these orders personal service upon a party is required.

3. A solicitor acting for a party in any action or matter may give notice in writing by post or otherwise to the Registrar and to the other party, or his solicitor, that he is so acting, whereupon service of any document, notice, or proceeding whatsoever authorised by these Rules to be served by or upon a solicitor so acting shall be served by or upon such solicitor accordingly, and he shall be deemed to be the solicitor acting for the party on whose behalf he has given such notice, until notice of change of solicitor has been duly given. No notice need be given under this Rule by a solicitor acting for the plaintiff where the plaint has been entered by such solicitor and the particulars duly signed by him.

4. Where a solicitor undertakes the service of any process, he shall make the necessary copies of each process, and the Registrar shall seal the same and return them to the solicitor for service.

5. Any party who acts by solicitor shall be at liberty to change his solicitor without any order for that purpose, but when any such change is made he shall give notice in writing to the Registrar and to the solicitor, if any, acting for any other party to the action or proceedings of such change,* and of the name

or firm and place of business of the new solicitor, and the Registrar shall file the notice given to him; but until such notice is filed and a copy thereof served the former solicitor shall be continued as the solicitor of the party.

6. Where by reason of the absence of any party, or from any other sufficient cause, the service of any summons (other than a default summons), notice, proceeding, or document cannot be made, the Judge or Registrar may, upon an affidavit shewing grounds, make such order for substituted service, or for the substitution for service of notice by advertisement or otherwise, as may be just.

7. No solicitor shall be allowed to appear for any person in a Court until he has signed a roll or book to be kept for that purpose by the Registrar, but no fee shall be payable for that purpose, and he shall, once in every year, if required by the Registrar, produce his certificate for the year to the Registrar, who shall note the fact on the roll.

8. It shall not be necessary for either party to give notice to the other, or to the Court, of his intention to employ a barrister or solicitor to act as his advocate at the trial, and the allowance of costs for such barrister or solicitor shall not be affected by such want of notice.

9. The Judge or Registrar shall order in what newspaper any advertisements which may from time to time be ordered in any action or matter shall be inserted; and the expense of such advertisements shall be paid to the Registrar by the party requiring the same before they are inserted.

10. All advertisements to be inserted in the London Gazette except as to proceedings under Order XLII., shall be transmitted by the Registrar for insertion to the Registrar of County Courts judgments in London.

11. The Judge, or in his absence the Registrar, may order which party shall have the conduct of proceedings in any action or matter.

12. Parties may by consent enlarge or abridge any of the times fixed by these Rules or by statute for taking any step or filing any document, or giving any notice, in any action or matter. Where such consent cannot be obtained, either party may apply to the Judge or Registrar, on notice to the non-consenting party, for an order to effect the object sought to have been obtained with the consent of the other party, and such order may be made although the application for the order is not made until after the expiration of the time allowed or appointed.

13. Where an estate has been ordered to be administered, creditors shall be entitled to interest in respect of debts, as to such of

them as carry interest after the rate they respectively carry, and as to all others after the rate of 4 $\frac{1}{2}$ per cent. per annum, from the date of the order, and shall also be entitled to the costs of successfully proving such debts.

14. Interest on legacies shall be computed after the rate of 4 $\frac{1}{2}$ per cent. per annum, from the end of one year from the date of the testator's death, unless a different rate or time of payment is directed by the will, or the Judge shall otherwise order where not so directed.

15. Where particulars or documents are directed to be filed, they shall be filed with the Registrar, together with as many copies thereof as there are parties to be served, and the names, addresses, and descriptions of such parties, and if required an additional copy for the use of the Judge.

16. Before any summons, notice, or other document, or any copy thereof, is issued by the Registrar, the same shall be sealed with the seal of the Court.

17. Where by these Rules any party is required to give notice according to a form mentioned in the Appendix, it shall be sufficient if the notice given complies substantially with such form.

18. In all cases where anything is required by these Rules to be done within a period of twenty-four hours, or within a period of forty-eight hours, no part of any day appointed by royal proclamation for a public fast, humiliation, or thanksgiving, or of any day on which the offices of the Court need not be open under these Rules or under any order of the Lord Chancellor, shall be included in the computation of such period.

19. Where the time for doing any act or taking any proceeding expires on a Sunday, or other day on which the offices of the Court are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices shall next be open.

20. No summons, warrant, or other process (except a warrant of arrest in an Admiralty action) shall be served or executed on Sunday, Christmas Day, Good Friday, or on any day appointed by royal proclamation for a public fast, humiliation, or thanksgiving, nor need any summons, warrant, or other process be served or granted on any day on which the offices of the Courts need not be open under these Rules or under any order of the Lord Chancellor; but such days shall be counted in the computation of the time required by these Rules in respect of service.

21. All letters, notices, documents, or process sent by post by or to the officers of the Courts, or by or to parties in any action or matter shall be prepaid, and shall not be sent by book post.

22. All notices which may be sent by post to the office of a Registrar shall be taken to have been duly delivered on the day on which they should have been delivered if delivered at the office of the Registrar before the opening thereof on the following day.

23. Where a defendant, sued under the provisions of the County Courts Act, 1865, or of section 9 of the County Courts Act, 1867, shall be out of England or Wales, the Judge, or in his absence the Registrar, may, upon an affidavit of the fact, direct the service of the summons to be effected within such time and in such manner as the Judge or Registrar may think fit.*

24. All proceedings and documents shall be in forms similar to the forms in the Appendix, where the same are applicable; and in cases where no forms are provided, parties shall frame the proceedings or documents, using as guides those contained in the Appendix.

25. Where by any Act not before mentioned in these Rules, proceedings are directed to be taken in a County Court, such proceeding shall be commenced by action wherever there is a person against whom it can be brought, and if there is no such person, then the proceeding shall be commenced by petition.

26. The general practice of the Court prescribed by these Rules shall apply to all proceedings whatsoever authorised by any Act to be commenced or taken in any County Court, except and so far as such practice may be inconsistent with the provisions of any such Act.

27. No practice shall prevail in any Court except as provided by these Rules, nor shall any matter be added to or taken from any form in the Appendix, whereby any obligation shall be imposed upon any suitor or any officer of the Court to which he is not liable under statute or these Rules.

ORDER LII.

Interpretation of Terms.

In the construction of these Rules, words importing the singular number shall include the plural, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females, and, unless there is anything in the subject or context repugnant thereto, the several words hereinafter mentioned or referred to shall have or include the meanings following:—

* Forms 30, 31.

"Action" means every proceeding commenced by plaintiff in a County Court;

"Affidavit" includes statutory declaration, affirmation, and attestation upon honour, and "sworn" includes declared and affirmed according to statute and attested upon honour;

"Clear days" means that in all cases in which any particular number of days is prescribed for the doing of any act, or for any other purpose, the same is to be reckoned exclusive both of the first and of the last day;

"Court" means the County Court having jurisdiction in the action or matter;

"Default summons" means a summons other than a judgment summons, which is required by statute to be served personally;

"Foreign Court" means the Court of a district into which process is issued from another Court;

"Home Court" means the Court from which process is originally issued;

"Home District" means the district of the home Court; and "Foreign District" means the district of the foreign Court;

"Judge" means the Judge or deputy Judge of any County Court;

"Judgment" means the final decision of the Court in any action;

"Matter" means every proceeding commenced otherwise than by plaintiff;

"Month" means calendar month;

"Order" means the final decision of the Court in any matter, and also any decision of the Court other than final in any action or matter, and also the decision of the Judge or Registrar in any interlocutory application;

"Ordinary summons" means a summons which is not required by statute to be served personally;

"Party" means party to an action or matter; or a person served with notice of or in any action or matter, and includes a body politic or corporate;

"Registrar" means Registrar or deputy Registrar of any County Court;

"Return-day" means the day appointed in any summons or proceeding for the appearance of the defendant, or any other day fixed for the trial of any action or matter;

"Treasurer," where there is no treasurer of the Court, means the superintendent, for the time being, of the County Court department of the Treasury;

"Trial" means the hearing of any action or matter in Court;

"Vessel" includes every description of vessel used in navigation not propelled by oars only.

We, Rupert Kettle, Alfred Martineau, Henry J. Stonor, and A. Shelly Eddis, being Judges of County Courts, appointed to frame Rules and Orders for regulating the practice of the Courts and Forms of Proceedings therein under the 32nd section of "The County Courts Act, 1856," have, by virtue of the powers vested in us thereby and of all other powers enabling us in this behalf, framed the foregoing Rules and Orders, and we do hereby certify the same to the Lord Chancellor accordingly.

(Signed) RUPERT KETTLE.
A. MARTINEAU.
HENRY J. STONOR.
A. S. EDDIS.

Approved,
(Signed) HALSBURY, C.
COLERIDGE, C.J.
ESHER, M.R.
JAMES HANNEN, Pres. P. D. A.
NATH. LINDLEY, L.J.
EDW. FRY, L.J.
C. E. POLLOCK, B.
H. MANISTY, J.

7th December, 1885.

I allow these Rules, which shall come into force on the twenty-eighth day of April, 1886.

HALSBURY, C.

17th December, 1885.

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Old Forms	New Forms	Old Forms	New Forms	Old Forms	New Forms	Old Forms	New Forms
No.	No.	No.	No.	No.	No.	No.	No.
1	1	18	22	35	32	52	75
2	2	19	24	36	20	53	76
3	3	20	145	37	127	54	—
4	4	21	146	38	49	55	—
5	5	22	163	39	50	56	—
6	6	23	33	40	54	57	—
7	7	24	34	41	55	58	86
8	8	25	38	42	64	59	94
9	9	26	39	43	175	60	95
10	10	27	40	44	68	61	96
11	11	28	41	45	70	62	97
12	—	29	42	46	119	63	110
13	23	30	43	47	120	64	111
14	13	31	44	48	121	65	105
15	14	32	164	49	28	66	105
16	16	33	165	50	72	67	106
17	17	34	29	51	73	68	107

Old Forms	New Forms	Old Forms	New Forms	Old Forms	New Forms	Old Forms	New Forms
No.	No.	No.	No.	No.	No.	No.	No.
69	108	132	41	194	253	255	330
70	148	133	42	195	254	256	331
71	149	134	43	196	255	257	332
72	150	135	44	197	45	258	333
73	151	136	—	198	46	259	335
74	123	137	—	199	98	260	336
75	124	138	—	200	261	261	337
76	99	139	200	201	262	262	24
77	100	140	201	202	263	263	25
78	125	141	202	203	264	264	19
79	126	142	203	204	265	265	48
80	128	143	204	205	272	266	175
81	129	144	205	206	266	267	22
82	130	145	206	207	273	268	23
83	131	146	207	208	274	269	172
84	132	147	208	209	276	270	258
85	134	148	209	210	277	271	259
86	135	149	210	211	278	272	67
87	136	150	211	212	280	273	—
88	137	151	213	213	260	274	21
89	138	152	214	214	226	275	30
90	139	153	215	215	227	276	31
91	140	154	216	216	287	277	144
92	141	155	217	217	288	278	256
93	142	156	218	218	289	279	257
94	143	157	220	219	291	280	290
95	65	158	221	220	293	281	102
96	66	159	222	221	294	282	103
97	69	160	223	222	295	283	36
98	153	161	224	223	296	284	47
99	154	162	225	224	298	285	—
100	156	163	—	225	299	286	—
101	157	164	227	226	300	287	—
102	158	165	228	227	301	288	90
103	—	166	229	228	304	289	147
104	159	167	230	229	305	290	112
105	160	168	231	230	306	291	113
106	161	169	232	231	307	292	37
107	162	170	233	232	308	293	35
108	—	171	234	233	309	294	109
109	182	172	235	234	310	295	275
110	183	173	—	235	53	296	61
111	184	174	236	236	51	297	292
112	185	175	219	237	57	298	155
113	186	176	237	238	53	299	156
114	187	177	238	239	60	300	174
115	188	178	239	240	311	301	122
116	189	179	240	241	312	302	301
117	190	180	241	242	313	303	303
118	191	181	242	243	317	304	177
119	192	182	243	244	318	305	133
120	193	183	244	245	319	306	26
121	194	184	245	246	320	307	27
122	195	185	246	247	321	308	28
123	196	186	247	248	322	309	212
124	197	187	248	249	323	310	166
125	198	188	249	250	324	311	313
126	199	189	—	251	325	312	105
127	—	190	167	252	326	312	—
128	—	191	168	253	327	314	314
129	—	192	169	254 {	328	315	315
130	39	193	297		329	316	316
131	40						

you will be entitled to Judgment at the expiration of twelve days from the personal service of the summons, inclusive of the day of such service, unless the Defendant obtains leave to defend the action. Should such leave be obtained you will be informed by post thereof and of the day and hour when the action will be tried.

Registrar of the Court.

(Order VII., Rule 33.)

N.B.—If leave to defend has not been obtained, judgment must be entered within two months from the day of service of the summons, after which period the action will be struck out.

10.

LETTER TO BE SENT WITH SUMMONS OUT OF DISTRICT.

(80 & 81 Vict. c. 142. s. 1. Order II., Rule 5.).

No. of Plaintiff.

In the County Court of _____ holden at _____

Sir,

I hereby request that you will serve the accompanying summons immediately, and return the enclosed copy of the same to me properly indorsed, shewing the fact and mode of the service. The Defendant [*or witness*] is stated to reside at [*here insert the full address given in the summons*].

Your obedient servant,

Registrar of the Court.

To the High Bailiff of the
County Court of
holden at _____

11.

ORDINARY SUMMONS.

(*To be used in cases for which other forms are not specially provided.*)

(Order VII., Rule 2.)

In the County Court of _____ holden at _____

No. of Plaintiff.

(*Seal.*)

Between A.B., Plaintiff,
[*Address, Description,*]
and

C.D., Defendant.
[*Address, Description.*]

* [*Issued* "by leave of the Court" or "by leave of the Registrar."]

* Insert this when necessary.

(Order VII., Rule 3; Order VI., Rule 1.)

You are hereby summoned to appear at a County Court to be holden at _____ on the _____ day of _____, 18____, at the hour of _____ in the _____ noon, to answer the Plaintiff, to a claim, the particulars of which are hereunto annexed. [*Where the amount of the claim does not exceed forty shillings, after "claim" strike out the words "the particulars of which are hereunto annexed," and state shortly the substance of the claim.*]

Registrar of the Court.

£ s. d.

Debt or claim	:	:
Costs of plaintiff	:	:
Solicitor's costs	:	:

Total amount £ _____

Dated this _____ day of _____, 18____.

To the Defendant.

[*N.B.*—If you owe the Money, and will consent to a Judgment, you will save half the Hearing Fee.]

SEE BACK.

[*To be indorsed on the Summons.*]

If you confess the Plaintiff's claim—by doing which you will save half the hearing fee—you should sign a confession, printed forms for which may be obtained at the office, before the Registrar of the Court five clear days before the return day, that is, the day of hearing. The confession, if not signed before the Registrar, must be signed before a solicitor; but you may deliver your confession to the Registrar at any time before the action is called on, subject to the payment of any further costs which your delay may have caused the Plaintiff to incur.

If you and the Plaintiff can agree as to the amount due and the mode of payment, and will before the action is called on for trial sign a memorandum of such agreement at the Registrar's office or before a solicitor, you will save half the hearing fee.

If you pay the debt and costs, as stated in the summons, five clear days before the trial, you will avoid further costs; but you may pay the same at any time before the action is called on for trial, subject to the payment of any further costs which your delay may have caused the Plaintiff to incur.

If you admit a part only of the claim, you may by paying into the Registrar's office the amount so admitted, five clear days before the day of trial, together with costs proportionate to the amount you pay in, avoid further costs unless the Plaintiff proves at the trial an amount exceeding your payment.

If you intend to dispute the Plaintiff's claim on any of the following grounds,—

1. That the Plaintiff owes you a debt which you claim should be set off against it;
2. That you were under twenty-one when the debt claimed was contracted;
3. That you were then, or are now, a married woman;
4. That the debt claimed is more than six years old;
5. That you have been discharged from the Plaintiff's claim under a Bankrupt or Insolvent Act;
6. That you have already tendered to the Plaintiff what is due;
7. That you have a statutory or equitable defence;

You must give notice thereof to the Registrar five clear days before the return day; and such notice must contain the particulars prescribed by the County Court Rules; and you must deliver to the Registrar as many copies of such notice as there are Plaintiffs, and an additional copy for the use of the Court. If your DEFENCE be a SET-OFF, you must, with the notice thereof, also deliver to the Registrar a statement of the particulars thereof. If your DEFENCE be a TENDER, you must pay into Court, before or at the trial, the amount tendered.

If the debt or claim exceed five pounds you may have the action tried by a jury, on giving notice in writing at the Registrar's office four clear days before the trial, and on payment of five shillings for the use of such jury.

Summonses for witnesses and for the production of documents by them will be issued upon application at the office of the Registrar of the Court, upon payment of the proper fee.

NOTE.—*An ordinary Summons is to be printed in pica type, leaded, on a half sheet of cream-wove foolscap, fourteen pounds or thereabouts.*

12.

NOTICE OF NON-SERVICE OF AN ORDINARY SUMMONS.

(Order II., Rules 5, 23.)

Take notice, that the summons in this action has not been served, for the following reason:—

Dated this day of 18 .
To the
[Plaintiff.]

13.

NOTICE OF DOUBTFUL SERVICE OF AN ORDINARY SUMMONS.

(Order II., Rules 6, 24.)

Take notice, that the summons in this action was left at the address given by you, and [*here insert the Bailiff's return of service, as indorsed on the summons*]. You must therefore be prepared at the hearing to satisfy the Court that the summons has come to the Defendant's knowledge.

To the Plaintiff.

14.

AFFIDAVIT OF DEBT. COUNTY COURTS ACT, 1875, s. 1.

I, A.B. of, &c. make oath and say, that C.D., of [*address, occupation, and description*] is indebted to me in the sum of for [*add, where the action is brought for a demand not exceeding five pounds*], and I further say that the were sold and delivered [*or let on hire*] to the said C.D. to be used or dealt with in the way of his trade [*or profession or calling*] of a].

A.B.

NOTE.—[*When affidavit is made by a clerk alter the form accordingly, and add the following: That I am a person in the employ of A.B., and that I am duly authorised by him to make this affidavit, and that it is within my own knowledge that the aforesaid debt was incurred and for the consideration above stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.*]

15.

APPLICATION FOR, AND ORDER GRANTING, A SUMMONS TO BE SERVED OUT OF THE DISTRICT.

(Order V., Rule 9.)

County Court.

I, A.B., of [*or I, C.D., of*], agent for A.B., of] apply for leave under section 1 of the County Courts Act, 1867, to sue in this Court the several persons whose names are set out in the first column of the statement hereunder written. And I declare that such statement is true and correct.

Dated this day of 18 .
(Signed) A.B. or C.D.

Names in full of the Persons indebted	Address of such Persons		Trade of such Persons	Amount claimed	Cause of Action	Facts shewing that Cause of Action wholly or in part arose within the District of the Court.
	Number of House and Name of Street	Name of Town or Village.				

(Signed) A.B. or C.D.

The above-named A.B. or C.D. having been sworn and examined by me as to the truth of the above statement, it is ordered that A.B. be at liberty to sue in this Court the several persons mentioned in such statement.

Dated this day of 18 .
 Registrar.

16.

DEFAULT SUMMONS UNDER SECTION 1 OF THE COUNTY COURTS ACT, 1875.

[*Heading and conclusion as in ordinary summons, No. 11.*]

Take notice, that unless within sixteen days after the personal service of this summons on you, inclusive of the day of such service, you return to the Registrar of this Court at [*place of office*] the notice given below, dated and signed by yourself or your solicitor, you will not afterwards be allowed to make any defence to the claim which the Plaintiff makes on you, as per margin, the particulars of which are hereunto annexed; but the Plaintiff may, without giving any further proof in support of such claim than the affidavit filed in Court herein, proceed to judgment and execution. If you return such notice to the Registrar within the time specified, the Registrar will send you by post notice of the day upon which the action will be tried.

[Margin.]

	£	s.	d.
Claim . . .			
Fee for plaint . . .			
Solicitor's costs . . .			
Total amount of debt and costs . . . }			

See below.

[N.B.—This summons must be served within a period of six months from the date

thereof, or within such extended period as may be allowed.

NOTICE OF INTENTION TO DEFEND, OR TO OBJECT TO THE JURISDICTION OF THE COURT.

[*To be at foot of summons.*]

No. of Plaintiff.
 In the County Court of* holden
 at

*A.B. v. C.D.

I intend to defend this action [or to object to the jurisdiction of the Court].

Dated this day of 18 .
 †Defendant.

SEE BACK.

[*To be indorsed on the Summons.*]

If you pay the debt and costs, as per margin on the other side, into the Registrar's office, within sixteen days after the date of service of this summons, and without returning the notice of intention to defend or to object to the jurisdiction of the Court, you will avoid further costs.

If you do not return the notice of intention to defend or to object to the jurisdiction of the Court, but allow judgment against you by default, you will *save half the hearing fee*, and the order upon such judgment will be to pay the debt and costs forthwith [*or by instalments (to be specified as in Plaintiff's written consent)*].

If you admit a part only of the claim, you must return the notice of intention to defend within the time specified on the summons; and you may, by paying into the Registrar's office at the same time the amount so admitted, together with costs proportionate to the amount you pay in, avoid further costs, unless the Plaintiff at the trial proves at the trial an amount exceeding your payment.

* To be filled in by Registrar previous to issue of summons.

† Here must be signed the name of Defendant or of his solicitor, and in the latter case the words "solicitor for," together with his address, must be prefixed.

If you intend to dispute the Plaintiff's claim on any of the following grounds,—

1. That the Plaintiff owes you a debt which you claim should be set off against it;
2. That you were under twenty-one when the debt claimed was contracted;
3. That you were then, or are now, a married woman;
4. That the debt claimed is more than six years old;
5. That you have been discharged from the Plaintiff's claim under a Bankrupt or Insolvent Act;
6. That you have already tendered to the Plaintiff what is due;
7. That you have a statutory or equitable defence;

You must give, with the notice of intention to defend, notice of such special defence; and such last-mentioned notice must contain the particulars required by the County Court Rules; and you must deliver to the Registrar as many copies of such notice as there are Plaintiffs, and an additional copy for the use of the Court. If your defence be a set-off, you must, with the notice thereof, also deliver to the Registrar a statement of the particulars thereof. If your defence be a tender, you must pay into Court, before or at the trial, the amount tendered.

If you give such notice of intention to defend within the time specified, you may, *if the debt exceeds five pounds*, have the action tried by a jury, on giving notice in writing at the Registrar's office four clear days before the trial, and on payment of five shillings for the use of such jury.

Summonses for witnesses and for the production of documents by them will be issued upon application at the office of the Registrar of this Court, upon payment of the proper fee.

NOTE.—*This summons is to be printed on a half sheet of salmon-tinted foolscap paper (14 lbs. or thereabouts), with the "Notice of intention to defend or object" separated by a perforated line, so that it may be torn off for transmission to the Registrar.*

17.

*DEFAULT SUMMONS UNDER "THE BILLS OF EXCHANGE ACT, 1855."

(Order VII., Rule 2.)

[*Heading and conclusion as in ordinary summons, No. 11.*]

Take notice that unless within twelve days after the service of this summons on

* This summons is to be printed in pica type, leaded, on a half sheet of salmon-tinted foolscap paper, 14lbs. or thereabouts.

you, inclusive of the day of such service, you obtain leave from the Judge or Registrar of this Court to defend this action, the Plaintiff may proceed to judgment and execution.

[N.B.—*This summons must be personally served on the defendant within six calendar months from the date thereof, and not afterwards.*]

Indorsement to be made on the Summons before service thereof.

The Plaintiff claims £ for principal and interest [or balance of principal and interest], due to him as the payee [or indorsee] of a bill of exchange [or promissory note], a copy of which is hereunto annexed, and also for noting and bank expenses, and the sum of for Court fees [and for solicitor's costs herein]: And if the amount thereof be paid to the Registrar of the Court four days from the service hereof, no further proceedings will be taken.

Leave to defend may be obtained upon application at the office of the Registrar of this Court, supported by affidavit, shewing that there is a defence to the action on the merits, or disclosing facts showing that it is reasonable that the Defendant should be allowed to defend the action.

18.

INDORSEMENT ON COPY DEFAULT SUMMONS AFTER SERVICE.

This summons was served by personally on [*the Defendant or the Defendants*] on the day

, 18 .

Bailiff of the County Court.

19.

LETTER TO BE SENT WITH DEFAULT SUMMONSES OUT OF THE DISTRICT.

(Order II., Rule 5.)

In the County Court of holden at .

Sir,

I hereby request that you will have the accompanying summons personally served, and return the enclosed copy of the same to ME, properly indorsed, shewing the fact and mode of the service. The Defendant is stated to reside at .

On presentation of this letter to the treasurer of your Court, he is to pay you the fee of shillings.

Your obedient servant,

Registrar.

To the High Bailiff ,
of the County Court of ,
holden at .

20.

NOTICE BY PLAINTIFF OF CONSENT TO ACCEPT
INSTALMENTS.

(Order V., Rule 13.)

(To be annexed to a Default Summons.)

Take notice, that payment of the amount sued for herein will be accepted by instalments of [state amount of instalment] payable on the [state the time or times at which the instalments will be accepted].

Dated this day of , 18 .

[Plaintiff] or
[Plaintiff's Solicitor] or
[Plaintiff's Agent].

To the above-named [Defendant or Defendants.]

21.

AFFIDAVIT OF SERVICE OF A DEFAULT
SUMMONS.

(Order VII., Rule 31.)

I, A.B., of

[or G.H., a clerk [or servant] in the permanent and exclusive employ of]

[or L.M., of , the solicitor for]

[or R.S., of , solicitor, agent

for L.M., of , the solicitor for]

[or X.Y., a clerk in the employ of [R.S., of , solicitor, agent for] L.M., of , solicitor for]

the above-named Plaintiff, make oath and say:

That I [am a clerk [or servant] in the permanent and exclusive employ of]

[or am a clerk in the employ of [R.S., of , solicitor, agent for] L.M., of , solicitor for] the above-named

Plaintiff, and that I am over sixteen years of age.

That I did on the day of

18 , duly serve E.F., the above-named Defendant [or one of the above-named Defendants] with a summons, a true copy whereof is hereunto annexed, marked "A," by delivering the same personally to the said Defendant [here insert place where service was made].

(Indorse the copy-summons or other process thus :—This paper, marked "A," is the paper referred to in the annexed affidavit.)

22.

NOTICE OF SERVICE OF DEFAULT SUMMONS.

(Order II., Rule 28.)

You are hereby informed that the Defendant was on the day of , 18 , served with a summons issued in this action.

To the Plaintiff.

High Bailiff.

23.

NOTICE OF NON-SERVICE OF A DEFAULT
SUMMONS.

(Order II., Rule 28.)

Take notice, that the summons in this action has not been served, for the following reason :—

High Bailiff.

To the Plaintiff.

24.

NOTICE OF DAY OF TRIAL WHERE NOTICE
OF DEFENCE GIVEN.

(38 & 39 Vict. c. 50. s. 1.)

Take notice, that the Defendant has given notice of his intention to defend this action, and that the same will be tried at a Court to be holden at (*insert court-house*), on the day of , 18 , at o'clock in the noon.

To the Plaintiff.

Registrar.

25.

NOTICE TO DEFENDANT OF DAY OF TRIAL.

(38 & 39 Vict. c. 50. s. 1.)

You having given notice of your intention to defend this action, take notice that the same will be tried at a Court to be holden, &c., on the day of , 18 , at o'clock in the noon.

Registrar.

To the Defendant.

26.

NOTICE OF LEAVE GIVEN TO DEFEND.

(18 & 19 Vict. c. 67. Order XXXV., Rule 2.)

Take notice, that the Defendant has obtained leave to defend this action at a Court to be holden at on the day of , at the hour of in the noon.

The Defendant has obtained such leave on the ground set forth in an affidavit, a copy of which is hereunto annexed [and has paid to me the sum claimed by you, to abide the decision of the Court], [or has given security for the amount claimed by you, and the costs of this action.]

To the Plaintiff.

Registrar.

27.

NOTICE TO THE DEFENDANT OF THE DAY
ON WHICH ACTION IS TO BE TRIED UPON
LEAVE BEING GIVEN TO DEFEND.

(18 & 19 Vict. c. 67. Order XXXV., Rule 2.)

You having obtained leave to defend this
action, take notice that the same will be tried
at _____ on the _____ day of _____ at
the hour of _____ in the _____ noon.
To the Defendant.

28.

BOND UNDER THE SUMMARY PROCEDURE ON
BILLS OF EXCHANGE ACT, 1855.

(This bond requires a stamp.)

Know all men by these presents, that we,
A.B., of, &c., and *C.D.*, of, &c., and *E.F.*, of,
&c., are jointly and severally held and firmly
bound to *G.H.*, of, &c., in £ _____ to be
paid to the said *G.H.*, or his certain attorney,
executors, administrators, or assigns. For
which payment to be made we bind ourselves
and each and every of us, in the whole, our
and each of our heirs, executors, and admin-
istrators, jointly and severally, firmly by these
presents.

Sealed with our seals and dated this
day of _____ one thousand eight hundred
and _____

Whereas an action _____ has been
brought in the County Court of _____,
holden at _____, wherein the above-
named *G.H.* is Plaintiff, and the above-
bounden *A.B.* is Defendant, on a certain bill
of exchange [or promissory note] under the
Summary Procedure on Bills of Exchange
Act, 1855:

And whereas leave has been duly given,
according to the provisions of the said Act,
to the said *A.B.* to defend the said action
upon his giving security to be approved by
the Registrar of the Court aforesaid, for the
amount claimed in the said action and costs
of trial thereof.*

And whereas the above-named *C.D.* and
E.F., at the request of the said *A.B.*, have
agreed to enter into the above-written obliga-
tion for the purposes aforesaid, and the
security intended to be hereby given has
been approved of by _____ the Regis-
trar of the said County Court, as appears by
his allowance in the margin hereof: Now
the condition of this obligation is such, that
if the above-bounden *A.B.*, *C.D.*, and *E.F.*,
any or either of them, shall pay unto the
said *G.H.*, his executors, administrators, or
assigns, the amount claimed in the said

* I approve of this bond. *I.K.*, Registrar. (I.S.)

action, and the costs of the trial thereof upon
judgment being given for the Plaintiff, then
this obligation shall be void, otherwise shall
remain in full force.

A.B. (I.S.)

C.D. (I.S.)

E.F. (I.S.)

Signed, sealed, and delivered by the above-
bounden in the presence of _____
(19 & 20 Vict. c. 108. s. 71.)

NOTE.—If a deposit of money be made
the memorandum thereof should follow the
terms of the condition of the bond, and
will not require a stamp.

29.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR
SUBSTITUTED SERVICE.

(Order LI., Rule 6.)

I, *J.S.* [address and description] make oath
and say as follows:—

*State facts shewing either that the sum-
mons has come to the knowledge of Defen-
dant, or that he wilfully evades service of
the same. Or, that upon enquiry at his
usual place of abode, or at any other place
where prior to the time when the plaint was
entered he might probably have been met
with, he could not be found so as to be
served, and that in either case there is just
ground to believe that he has gone out of
the realm or otherwise absconded to avoid
being served.*

*Then state deponent's means of knowledge
of the facts deposed to.*

Sworn, &c.

30.

ORDER FOR SUBSTITUTED SERVICE.

(Order LI., Rules 6, 23; Order XXXIX.,
Rule 28.)

Upon reading an affidavit of _____ of
_____, in the county of _____,
sworn the _____ day of _____, 18 _____:

It is ordered that the delivery of a sealed
copy of the summons issued in this action,
together with a sealed copy of this order, to
some adult inmate at the usual or last
known place of residence or business of the
above-named Defendant *C.D.*, situate and
being at _____ in the county of _____
shall be deemed to be good and sufficient
service of the said summons on the said
C.D. on the day of such delivery.

[Or, That notice of the entry of the above-
named plaint be published in the _____
and that the publication of such notice shall

be deemed to be service of the summons upon the said *C.D.*]

Dated this day of 18 .
 Registrar.

81.

SUBSTITUTED SERVICE—NOTICE IN PAPERS.
(Order LI. Rules 6, 28; Order XXXIX.
Rule 28.)

In the County Court of
holden at

To *C.D.* of

Take notice, that a plaint has been entered and a summons issued against you in the above County Court by *A.B.*, of , for the sum of £ for goods sold and delivered, *or, as the case may be*, and an order has been made that the publication of a notice of the entry of such plaint in the shall be deemed to be service of the summons upon you.

The summons will be heard at on the day of at o'clock in the forenoon, on which day you are required to appear, and if you do not appear either in person or by your solicitor at the time and place above mentioned, such order will be made and proceedings taken as the Judge may think just and expedient.

Dated this day of 18 .
 Registrar.

82.

ORDER FOR LEAVE TO PROCEED AS IF SERVICE HAD BEEN EFFECTED OF DEFAULT SUMMONS.

(38 & 39 Vict. c. 50. s. 1; 18 & 19 Vict. c. 67.)

On the application of , and on reading the affidavit of , I do order that on the Plaintiff be at liberty to proceed as if the above Defendant had been personally served in this action.

[Judge or Registrar.]

83.

JUDGMENT FOR DEFENDANT, OR OF NONSUIT.
(9 & 10 Vict. c. 95. s. 79.)

Upon hearing this action at a Court holden this day, it is adjudged that judgment be entered for the Defendant [or that judgment of nonsuit be entered], and that the Plaintiff do pay the sum of £ for the Defendant's costs: And it is ordered that the Plaintiff do pay the same to the Registrar of this Court on the day of .

84.

JUDGMENT FOR PLAINTIFF.

(9 & 10 Vict. c. 95. ss. 74, 80; 19 & 20 Vict. c. 108. s. 45.)

It is this day adjudged that the Plaintiff do recover against the Defendant the sum of £ for debt [or damages], and £ for costs, amounting together to the sum of £ .

Acknowledgment of payment into Court.

Date.	£	s.	d.	Received by

And it is ordered that the Defendant do pay the same to the Registrar of the Court, on the day of [or by instalments of for every days; the first instalment to be paid on the day of 18].

[In case default be made in payment of any one of such instalments, and execution issue, it shall be for the whole of the above amount then remaining due.]

This form will, by striking out the words within brackets, or the words "on the day of " in line 6, apply to judgments of payment, whether for payment forthwith of the whole claim or by instalments, and to judgments under sect. 9 of the County Courts Act, 1850, 18 & 14 Vict. c. 61., and also to judgments in replevin, where the judgment is for the Plaintiff.

85.

JUDGMENT WHERE A COUNTER-CLAIM HAS BEEN MADE.

(Order XXII. Rule 18.)

It is this day adjudged that the Plaintiff in the original action do recover against the Defendant in the original action the sum of £ for debt [or damages] and £ for costs, amounting together to the sum of £ [or that judgment be entered for the Defendant [or that judgment of nonsuit be entered] in the original action, and that the Plaintiff in the said action do pay the sum of £ for the said Defendant's costs].

And it is further adjudged that the Plaintiff by counter-claim do recover against the Defendant by counter-claim the sum of £ for debt [or damages, *as the case may be*] and £ for costs, amounting together to the sum of £ [or that judgment be entered for the Defendant by counter-claim [or that the counter-claim be struck out], and that the Plaintiff by counter-claim

Z

do pay the sum of £ for the said Defendant's costs].

And it is ordered that the Defendant [or Plaintiff] by counter-claim do pay to the Registrar of the Court the sum of £ [add where necessary, being the balance in favour of the Plaintiff by counter-claim after deducting the amount adjudged to be due to the Plaintiff in the original action]; and that the said sum be so paid on the day of [or by instalments of days, the first instalment to be paid on the day of 18].

36.

JUDGMENT AGAINST DEFENDANT FOR PAYMENT OF COSTS.

(9 & 10 Vict. c. 95. s. 82; Order IX. Rule 11.)

Upon hearing the Plaintiff's application at a Court holden this day, it is adjudged that the Plaintiff do recover against the Defendant the sum of £ for costs incurred by the Plaintiff in preparing for trial before the notice of payment of money into Court was received by him and in attending Court, such money having been so paid in less than five clear days before the return day of the summons.

And it is ordered, that the Defendant do pay the same to the Registrar of this Court on the day of 18 .

37.

ORDER FOR COSTS TO DEFENDANT WHERE PLAINTIFF DOES NOT APPEAR.

(Order XXII. Rule 5.)

Whereas the Plaintiff has not appeared, either by himself, his solicitor or agent, at the Court holden this day, being the day appointed for the trial of this action, and the Defendant has appeared in person [or by his solicitor or agent], and has not admitted the demand: It is awarded that the Plaintiff do pay the sum of £ for the Defendant's costs, and it is ordered that the Plaintiff do pay the same to the Registrar of this Court on the day of 18 .

38.

NOTICE TO PLAINTIFF OF PAYMENT OF INSTALMENT.

(Order XXIII. Rule 9.)

I hereby give you notice, that A.B., the Defendant, has paid into Court the sum of

£ under the judgment obtained by you against him.

[N.B.—Upon your applying for the above amount it will be necessary that you should produce or send the plaint-note given to you on the entry of the plaint.]

39.

ADMISSION OF CLAIM OR PART OF CLAIM UNDER SECTION 8 OF THE COUNTY COURTS ACT, 1850.

I, the Defendant, do hereby confess and admit that the sum of £ the amount claimed [or the sum of £ , being part of the amount claimed by the Plaintiff in this action] is due to him from me [and that I will pay the same by instalments of].

Dated this day of 18 .
Signed in the presence of .
This paper marked A. is the statement referred to in the annexed Affidavit.

40.

AFFIDAVIT OF SIGNATURE TO ADMISSION, SECTION 8 OF THE COUNTY COURTS ACT, 1850.

I, of gentleman, solicitor of Her Majesty's Supreme Court of Judicature, make oath and say, that I was present on the day of one thousand eight hundred and seventy , and did see the above-named Defendant sign the statement hereunto annexed, marked with the letter A., and that the name set to the said statement is in the handwriting of the Defendant, and that the name set to the said statement as the witness attesting the same is in my handwriting.

41.

NOTICE TO PLAINTIFF OF ADMISSION OF CLAIM UNDER SECTION 8 OF THE 13 & 14 VICT. c. 61.

(19 & 20 Vict. c. 108. s. 78.)

I do hereby give you notice, that the Defendant has filed a statement confessing and admitting the amount claimed by you [and proposing to pay the same by instalments of], and that it will not be necessary for you to attend on the day of hearing [unless you object to receive the same by instalments as proposed], but judgment will not be entered unless you shall pay to the Registrar on or before such day the sum of being the fee for the judgment, or shall remit the said sum to the Registrar by post office order, or otherwise.

42.

NOTICE TO PLAINTIFF OF ADMISSION OF PART
OF CLAIM UNDER SECTION 8 OF THE 13 & 14
VICT. c. 61.

(19 & 20 Vict. c. 108. s. 78.)

I do hereby give you notice, that the Defendant has filed a statement confessing and admitting £ , part of the amount claimed by you [and proposing to pay the same by instalments of].

If you consent to accept the amount so admitted [and to the mode of payment by instalments as proposed], it will not be necessary for you to attend on the day of hearing; but judgment will not be entered unless you shall pay to the Registrar on or before such day the sum of being the fee for the judgment, or shall remit the said sum to the Registrar by post office order, or otherwise.

If, however, you do not consent to accept the sum so admitted, in satisfaction of your claim, you must be prepared to prove the same.

43.

ADMISSION UNDER SECTION 9 OF 13 & 14
VICT. c. 61.

We, the Plaintiff and Defendant, do hereby agree that the amount of the debt or demand due from the Defendant to the Plaintiff is £ , and that the same, with £ for the Plaintiff's costs, and £ the Court fees, amounting together to the sum of , shall be paid to the Registrar of the Court at his office, in manner following, viz.:

Dated this day of , 18 .
 _____ } Signatures of
 _____ } Plaintiff and
 _____ } Defendant.

Signed in the presence of .
This paper marked A. is the statement referred to in the annexed Affidavit.

44.

AFFIDAVIT OF SIGNATURE UNDER SECTION 9
OF 13 & 14 VICT. c. 61.

I, of , gentleman, solicitor of Her Majesty's Supreme Court of Judicature, make oath and say, that I was present on the day of , one thousand eight hundred and , and did see the Plaintiff and Defendant respectively sign the statement hereunto annexed, marked with the letter A., and that the name set to the said statement is in the handwriting of the Plaintiff, and that the

name set to the said statement is in the handwriting of the Defendant, and that the name set to the said statement as the witness attesting the same is in my handwriting.

45.

DEFENDANT'S ADMISSION.

(Order IX. Rule 4.)

I, the undersigned, Defendant, admit the truth of the allegations in the plaint, and hereby submit to the judgment of the Court thereon.

(Signed) C.D., Defendant.

Signed in the presence of .
This paper marked A. is the statement referred to in the annexed Affidavit.

46.

AFFIDAVIT OF SIGNATURE TO DEFENDANT'S
ADMISSION.

(Order IX. Rule 4.)

I, of , gentleman, a solicitor of Her Majesty's Supreme Court of Judicature, make oath and say, that I was present on the day of , one thousand eight hundred and , and did see the above-named C.D., the Defendant, sign the statement hereunto annexed, marked with the letter A., and that the name set to the said statement is in the handwriting of the Defendant, and that the name set to the said statement as the witness attesting the same is in my handwriting.

47.

NOTICE OF DISCONTINUANCE OF ACTION.

(Order IX. Rule 1.)

Take notice, that I shall not proceed further in this action, and that I hereby withdraw from the same.

Dated this day of , 18 .
 Plaintiff.

To the Registrar.

48.

NOTICE BY REGISTRAR REJECTING AFFIDAVIT.
(Order XIX. Rule 10.)

I hereby give you notice that I reject the affidavit of of sworn the day of and refuse to file the same, and my reasons for rejecting such affidavit and refusing to file the same are as follows:—

Dated this day of , 18 .
 Registrar.

To the above-named Plaintiff or Defendant.

49.

CERTIFIED COPY OF JUDGMENT OR ORDER.

(Order XXIII. Rule 7; Order XXV. Rule 16; Order XXVI. Rules 3, 8.)

The County Court of _____, holden at
 MINUTES of JUDGMENTS, ORDERS, and other PROCEEDINGS at a Court held at
 on the _____ day of _____, 18____, before His Honour _____, Judge.

No.	Plaintiff	Appearance	Defendant	Appearance	Particulars of Claim	Amount claimed	Special Defence	By whom Jury required	For whom Judgment given	Amount of Judgment	Costs	Order

Amount of Judgment or Order, including Costs

Subsequent Costs

Paid into Court

Total sum now due

£	s.	d.

I HEREBY CERTIFY that the above is a true copy of an entry in the Minute Book, Judgments, Orders, and other Proceedings of the County Court of _____ holden at _____

Dated this _____ day of _____ 18____.

Registrar.

Note.—If the Judgment or Order is entered in any Minute or Order Book of a different form to the above, then the certificate must follow the form of such book.

50.

JUDGMENT SUMMONS ON A JUDGMENT OR ORDER OF A COUNTY COURT.

(32 & 33 Vict. c. 62. s. 5; Order XXV. Rules 13, 18.)

(The figures are inserted *ex. gr.*)

The Debtors Act, 1869.

In the [title of Court issuing summons].

No. of plaint,

No. of judgment summons.

Between A.B. Plaintiff,

[Address, description,]

and

C.D. Defendant,

[Present address, description, and, if known, place of employment.]

Whereas the Plaintiff obtained a judgment [or if no judgment has been obtained, or if a fresh order has been obtained upon a judgment, an order] against you, the above-named Defendant, in this Court [or in the County Court of _____ holden at _____] on the _____ day of _____, 18____, for the payment of 10*l.* for debt [or damages] and costs, and subsequent costs have been incurred in pursuance thereof amounting to 15*s.* :

And whereas you have made default in payment of the sum payable in pursuance of the said judgment [or order] :

You are therefore hereby summoned to appear personally in this Court at [place where Court holden] on the _____ day of _____, 18____, at the hour of _____ in the _____ noon to be examined on oath by the Court touching the means you have or have had since the date of the judgment [or order] to satisfy the sum payable in pursuance of the said judgment [or order]; and also to shew cause why you should not be committed to prison for such default.

Dated this _____ day of _____, 18____.

Registrar of the Court.

	£	s.	d.
Amount of judgment, or order, and costs	10	0	0
Costs of warrant against the goods, if any	0	15	0
Costs of previous judgment summonses, hearing, and commitments, if any	0	0	0
	10	15	0

		£	s.	d.
	Brought forward	10	15	0
		£	s.	d.
	Paid into Court	1	0	0
Deduct	Amounts which			
	were not re-			
	quired to have			
	been paid be-			
	fore the date of			
	the summons	4	15	0
		5	15	0
	Sum payable	5	0	0
	Costs of the summons	0	2	3
	Amount upon the payment of			
	which no further proceedings			
	will be had until default in pay-			
	ment of next instalment	5	2	3

51.

AFFIDAVIT WHERE JUDGMENT-SUMMONS IS
SOUGHT ON A JUDGMENT OR ORDER OF A
COURT NOT A COUNTY COURT.

(Order XXV., Rule 17.)

The Debtors Act, 1869.

In the County Court of _____ holden
at _____

In the matter of a judgment [or order] in
the High Court of Justice [or as the case may
be].

A.B., Plaintiff,
[Address, description,]
and

C.D., Defendant,
[Address, description,]

I, A.B., the above-mentioned Plaintiff,
make oath and say:

1. That on the _____ day of _____,
18 _____, I obtained a judgment [or order] in
(here set forth the style of the Court in
which the judgment or order was obtained)
against C.D., the above-named Defendant,
for the payment of the sum of _____

2. That there is still due on the said judg-
ment [or order] the sum of _____

Sworn at _____

&c.

A.B.

52.

AFFIDAVIT TO OBTAIN LEAVE TO ISSUE JUDG-
MENT SUMMONS.

(19 & 20 Vict. c. 108. s. 48. Order XXV.,
Rule 14.)

1. I, A.B., of _____, make oath and
say, as follows:—

On the _____ day of _____, 18 _____, I
obtained judgment in this Court for the sum

of £ _____ [and costs] against the De-
fendant C.D., and the same is unsatisfied.

2. The Defendant C.D. lives at
in a house apparently of the yearly rent or
value of £ _____, and carries on the
business of a _____ [here state such other
circumstances as are relied on to justify the
grant of the leave].

53.

JUDGMENT SUMMONS ON JUDGMENT OR ORDER
OF A COURT OTHER THAN A COUNTY COURT.

(32 & 33 Vict. c. 62. s. 5. Order XXV.,
Rules 13, 18.)

The Debtors Act, 1869.

In the [title of Court issuing summons].

No. of judgment-summons.

Between A.B., Plaintiff,
[Address, description,]
and

C.D., Defendant,
[Present address, description,
and, if known, place of em-
ployment.]

Whereas the Plaintiff obtained a judgment
[or order] against the Defendant in the High
Court of Justice on the _____ day of _____,
for the sum of £ _____, and there is now
due and payable upon the said judgment the
sum of £ _____]:

You are therefore hereby summoned to
appear personally in this Court at [place
where Court holden] on the _____
day of _____, 18 _____, at the hour of _____
in the _____, to be examined on oath by
the Court touching the means you have or
have had since the date of the judgment [or
order] to pay the said sum, in payment of
which you have made default; and also to
shew cause why you should not be committed
to prison for such default.

Dated this _____ day of _____, 18 _____.

Registrar of the Court.

£ s. d.

Amount of judgment or order

remaining due . . .

Costs of this summons . . .

Total sum due . . .

54.

ORDER UPON A JUDGMENT-SUMMONS ALTERING
ORIGINAL JUDGMENT OR ORDER.

(32 & 33 Vict. c. 62. s. 5. Order XXV., Rule 26.)

The Debtors Act, 1869.

In the [title of Court issuing summons].

No. of plaintiff.

No. of judgment-summons.

Between *A.B.*, Plaintiff,
[*Address, description,*
and

C.D., Defendant,
[*Present address, description,*
and, if known, place of em-
ployment.]

Whereas the Plaintiff obtained a judgment [or order] against the Defendant in the County Court of holden at on the day of , 18 , for the payment of £ , together with £ for costs, and in payment thereof [or of part thereof] the Defendant hath made default :

[or, Whereas the Plaintiff obtained a judgment against the Defendant in the High Court of Justice [or as the case may be] on the day of , for the sum of £ , and there is now due and payable upon the said judgment the sum of]:

And whereas a summons was, at the instance of the Plaintiff, duly issued out of this Court, by which the Defendant was required to appear personally at this Court on the day of , 18 , to be examined on oath touching the means he had then or had had since the date of the judgment [or order] to pay the said sum, which summons was proved to this Court to have been personally and duly served on the Defendant :

Acknowledgment of payment into Court				
Date	£	s.	d.	Received by

It is ordered, that the Defendant do pay the amount still due on the said judgment, and the costs of the said summons and its hearing, as stated at the foot of this order, to the Registrar of this Court, by instalments of £ for every days; the first payment to be made on the day of , 18 .

Given under the seal of the Court, this day of , 18 .

Registrar of the Court.
£ s. d.

Amount on judgment or order
remaining due
Costs of judgment-summons
and its hearing

£

55.

ORDER OF COMMITMENT.

(32 & 33 Vict. c. 62. s. 5. Order XXV., Rule 38.)

(The figures are inserted ex. gr.)

The Debtors Act, 1869.

In the [title of Court ordering Committal].

No. of plaint.

No. of judgment-summons.

No. of order.

Between *A.B.*, Plaintiff,
and

C.D., Defendant.

To the High Bailiff and others the Bailiffs of the said Court and all Peace Officers within the jurisdiction of the said Court, and to the Governor of the [prison used by the Court].

Whereas the Plaintiff obtained a judgment [or order] against the Defendant in the County Court of holden at on the

the day of , 18 , for the payment of 10*l.*, for debt [or damages] and costs, and subsequent costs have been incurred in pursuance thereof amounting to 15*s.* :

And whereas the Defendant hath made default in payment of 5*l.*, payable in pursuance of the said judgment [or order] :

And whereas a summons was, at the instance of the Plaintiff, duly issued out of this Court, by which the Defendant was required to appear personally at this Court on the day of , 18 , to be examined

on oath touching the means he had then or had had since the date of the judgment [or order] to satisfy the sum then due and payable in pursuance of the judgment [or order], and to shew cause why he should not be committed to prison for such default, which summons has been proved to this Court to have been personally and duly served on the Defendant :

And whereas, at the hearing of the said summons, it has now been proved to the satisfaction of the Court that the Defendant now has [or has had] since the date of the judgment [or order], the means to pay the sum then due and payable in pursuance of the judgment [or order], and has refused [or neglected], [or then refused or neglected] to pay the same, and the Defendant has shewn no cause why he should not be committed to prison.

Now, therefore, it is ordered that, for such default as aforesaid, the Defendant shall be committed to prison for days, unless he shall sooner pay the sum stated below as that upon the payment of which he is to be discharged, or shall file such affidavit as is mentioned in Order XXV., Rule 30, of the County Court Rules, 1885.

These are therefore to require you, the said High Bailiff, Bailiffs, and others, to take the Defendant, and to deliver him to the Governor of the [*prison used by the Court*], and you the said Governor to receive the Defendant, and him safely keep in the said prison for days from the arrest under this order, or until he shall be sooner discharged by due course of law.

Given under the seal of this [*insert date of order*] date of ,
18 .

E.F.,
Registrar of the Court.
£ s. d.

Total sum payable at the time of issuing of the judgment-summons	5	2	3
Hearing of summons, and poundage upon this order	0	10	0
	5	12	3
Deduct amount paid into Court subsequent to the hearing of the judgment-summons	2	0	0
Total sum upon payment of which the prisoner will be discharged	3	12	3

This order remains in force one year from the date hereof, unless such time is extended under Order XXV., Rule 38.

Add when so ordered—The time during which this order is to remain in force was on the day of extended by order of the Judge for months.

Registrar.

56.

INDORSEMENT ON AN ORDER OF COMMITMENT ISSUED IN A FOREIGN COURT.

(Order XXV., Rule 28.)

To the Governor of the Prison at [*here insert name of prison of foreign Court*].

Take notice that in accordance with the provisions of section 104 of the County Courts Act, 1846, this order of commitment has been sent to, and issued by me to, the High Bailiff of this Court, and that the debtor, if apprehended within the jurisdiction thereof, is to be conveyed to the prison of this Court, and is to be there kept for the time mentioned in the order of commitment, unless sooner discharged by law.

Dated this day of 18 .
Registrar.

57.

ORDER OF COMMITMENT ON A JUDGMENT OR ORDER OF A COURT OTHER THAN A COUNTY COURT.

(Order XXV., Rule 38.)

The Debtors Act, 1869.

In the [*title of Court ordering Committal*].

No. of plaintiff.
No. of judgment-summons.
No. of order.

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

To the High Bailiff and others the Bailiffs of the said Court and all Peace Officers within the jurisdiction of the said Court, to the Governor of the [*prison used by the Court*].

Whereas the Plaintiff obtained a judgment [*or order*] against the Defendant in the High Court of Justice [*or as the case may be*] on the day of , for the sum of £ , and there is now due and payable upon the said judgment the sum of :

And whereas a summons was, at the instance of the Plaintiff, duly issued out of this Court, by which the Defendant was required to appear personally at this Court on the day of 18 , to be examined on oath touching the means he had then or had had since the date of the judgment [*or order*] to pay the said sum, which summons was proved to this Court to have been personally and duly served on the Defendant:

And whereas, at the hearing of the said summons, it has now been proved to the satisfaction of the Court, that the Defendant now has [*or has had*] since the date of the judgment [*or order*], the means to pay the sum in respect of which he made default as aforesaid, or an instalment or instalments thereof as ordered by the said judgment, and has refused [*or neglected*], [*or then refused or neglected*] to pay the same.

Now, therefore, it is ordered, that the Defendant shall be committed to prison for days, unless he shall sooner pay the sums, in payment of which he has so made default, together with the prescribed costs hereinafter mentioned, or shall file such affidavit as is mentioned in Order XXV., Rule 30, of the County Court Rules, 1885.

These are, therefore, to require you the said High Bailiff, Bailiffs, and others, to take the Defendant, and to deliver him to the Governor or Keeper of the [*prison used by the Court*], and you the said Governor or Keeper to receive the Defendant, and him safely keep in the said prison for days

from the arrest under this order, or until he shall be sooner discharged by due course of law.

Given under the seal of
this [insert date of order] day of
18 .

E.F.,

Registrar of the Court.

£ s. d.

Amount of judgment or order re-
maining due

Costs of judgment-summons and
poundage on this order

Amount upon the payment of
which the prisoner is to be dis-
charged

This order remains in force one year from the date hereof, unless such time is extended under Order XXV., Rule 33.

Add when so ordered: The time during which this order is to remain in force was on the day of extended by order of the Judge for months.

Registrar.

58.

AFFIDAVIT UNDER ORDER XXV., RULE 30.
The Debtors Act, 1869.

In the County Court of
holden at

Between A.B., Plaintiff,
and
C.D., Defendant.

I, C.D. of make oath
and say,—

1. That under the Debtors Act, 1869, an order for my committal was made by the above Court [or the County Court of holden at], for making default in payment of £ , due from me in pursuance of an order [or judgment] of the [here insert the Court in which order or judgment was given].

2. That on the day of 18 , I was adjudicated a bankrupt by the [here insert the Court by which adjudication was made].

[or That on the day of 18 , a receiving order was made for the protection of my estate by the [here insert the Court by which the receiving order was made].

3. That the receiving order [or the order of adjudication] was published in the *London Gazette* on the day of 18 .

4. That the debt, in respect of which the above order [or judgment] was given, was provable under the bankruptcy.

[or

2. That my affairs are in course of liquidation [or have been liquidated] by arrangement under section 125 of the Bankruptcy Act, 1869, and that the debt in respect of which the above order [or judgment] was given was included in the statement produced to the meeting of my creditors.]

or, 2. That I have entered into a composition with my creditors under the provisions of section 126 of the Bankruptcy Act, 1869, and that the debt in respect of which the above order [or judgment] was given was inserted in the statement produced to the meetings of my creditors.]

3. That the special resolution mentioned in section 125 of the Bankruptcy Act, 1869 [or the extraordinary resolution mentioned in section 126 of the Bankruptcy Act, 1869], was filed in the [here insert name of Court] on the day of].

[or

2. That on the day of 18 , an order for the administration of my estate was made by the [here insert the Court by which the order was made] as shewn by the certificate of the Registrar of that Court hereto annexed.

Sworn at

C.D.

59.

CERTIFICATE UNDER ORDER XXV., RULE 32.
The Debtors Act, 1869.

In the County Court of
holden at

I hereby certify that an order for the administration of the estate of A.B. of [here insert address and description of debtor] was made under the provisions of section 122 of the Bankruptcy Act, 1883, on the day of 18 , and that a debt has been duly notified by A.B. as being due from him to [here insert the name, address, and description of the creditor whose name the debtor wishes to be inserted].

Registrar of the Court.

60.

CERTIFICATE BY REGISTRAR FOR DISCHARGE
OF JUDGMENT DEBTOR.
(Order XXV., Rule 31.)
The Debtors Act, 1869.

In the County Court of
holden at

Between A.B., Plaintiff,
and
C.D., Defendant.

I hereby certify that the Defendant who

was committed to your custody by virtue of an order of commitment under the seal of this Court [or the County Court of holden at], bearing date the day of 18 , has filed an affidavit in this Court, stating that [*here insert statement in affidavit*]; and that the Defendant may, in respect of such order, be forthwith discharged out of your custody.

Given under the seal of the Court this day of 18 .

Registrar of the Court.

To the Governor.

61.

CERTIFICATE OF PAYMENT BY A PRISONER.

(Order XXV., Rules 35, 37.)

The Debtors Act, 1869.

I hereby certify that the Defendant, who was committed to my [or your] custody by virtue of an order of commitment under the seal of this Court [or of the County Court of holden at], bearing date the day of 18 , has paid and satisfied the sum of money for the non-payment whereof he was so committed, together with all costs due and payable by him in respect thereof; [*and where the certificate is sent by the Registrar*: and that the Defendant may, in respect of such order, be forthwith discharged out of your custody.]

Dated [or given under the seal of the Court] this day of 18 .

Governor of [or Registrar of the County Court of holden at].

To the Governor of [or the Registrar of the County Court of holden at].

62.

REQUEST BY CREDITOR FOR DISCHARGE OF PRISONER.

(Order XXV., Rule 36.)

(Commence as in Form 1.)

The Debtors Act, 1869.

I, the undersigned A.B., the Plaintiff in this action, request that the Defendant C.D., if still in custody, may be discharged.

A.B.

To the Registrar.

63.

WARRANT FOR DISCHARGE OF PRISONER AT REQUEST OF CREDITOR.

(Order XXV., Rule 36.)

The Debtors Act, 1869.

I hereby certify that C.D., who was committed to your custody by virtue of an order of commitment under the seal of this Court [or of the County Court of holden at] bearing date the day of 18 , may in respect of such order be forthwith discharged out of your custody.

Registrar of the County Court of holden at .

To the Governor of .

64.

UNDERTAKING BY NEXT FRIEND OF INFANT TO BE RESPONSIBLE FOR DEFENDANTS' COSTS.

(Order V. Rule 11.)

I, the undersigned E.F., of , being the next friend of A.B., who is an infant, and who is desirous of entering a plaint in this Court against C.D., of, &c., hereby undertake to be responsible for the costs of the said C.D., in such action, in manner following; namely, if the said A.B. fail to pay to the said C.D., when and in such manner as the Court shall order, all such costs of such action as the Court shall direct him to pay to the said C.D., I will forthwith pay the same to the Registrar of the Court.

Dated this day of 18 .
E.F.

65.

ORDER APPOINTING GUARDIAN NAMED BY INFANT DEFENDANT.

(Order XXII. Rule 8.)

Whereas now, at the hearing of this action, the Defendant, being an infant, appears here in Court, and names of to act as his guardian, who, now assenting to act as such guardian, is hereby appointed to be guardian of the Defendant to act on his behalf in this action.

66.

ORDER APPOINTING GUARDIAN OF INFANT
DEFENDANT WHERE DEFENDANT DOES NOT
NAME A GUARDIAN.

(Order XXII. Rule 8.)

Whereas now, at the hearing of this action, the Defendant, being an infant, appears here in Court, and does not name a guardian, *E.F.*, of _____, is hereby appointed to be guardian of the Defendant to act on his behalf in this action.

67.

BOND FOR COSTS WHERE PLAINTIFF OUT OF
ENGLAND.

(Order V. Rule 7.)

[This bond requires a stamp.]

Know all men by these presents that we, *A.B.*, of _____ *C.D.*, of _____ and *E.F.*, of _____ are held and firmly bound to *G.H.*, of _____ in the sum of £ _____ to be paid to the said *G.H.*, or his certain attorney, executors, administrators, or assigns, which payment to be well and truly made, we bind ourselves jointly and severally, and our and each of our heirs, executors, and administrators, firmly, by these presents.

Sealed with our seals and dated this day of _____ 18 _____.

Whereas a plaint was upon the _____ day of _____ entered by the above-named *A.B.*, against the above-named *G.H.*, in the County Court of _____ holden at _____ :

And whereas it appeared upon the entry of such plaint that the said *A.B.* did not reside in England or Wales: And whereas it is directed by Rule 7 of Order V. of the County Court Rules, 1885, that the summons shall not be issued until security for costs, by deposit or otherwise, shall have been given to the satisfaction of the Registrar of the Court:

And whereas the said *A.B.* and the above bounden *C.D.* and *E.F.*, as sureties for the said *A.B.*, have agreed to give such security by entering into the above-written bond or obligation with the condition hereunder written, and the security has been approved of by the Registrar of the said County Court: *

Now the condition of the above written bond is such, that if the said *A.B.*, the Plaintiff, or any Plaintiff substituted in his stead, discontinue, or become nonsuit in the said action, or in case the said action is referred to arbitration, and an award is made against the said *A.B.*, or any substituted Plaintiff therein, shewing that he is not

* I approve of this bond. *J.K.*, Registrar.
(L.S.)

entitled to recover therein, or if the said *G.H.*, the Defendant, or any substituted Defendant, obtain a judgment or verdict or any other judgment therein, then or in either of the said cases, if the above bounden *A.B.*, *C.D.*, and *E.F.*, or either of them, their or either of their heirs, executors, or administrators, do pay or cause to be paid to the said *G.H.*, his executors, administrators, or assigns, his or their costs to be taxed in the said action, then this obligation to be void and of no effect, or otherwise to be and remain in full force and virtue.

68.

UNDERTAKING BY SOLICITOR TO BE RESPONSIBLE FOR COSTS.

(Order V. Rule 7.)

[Title of Action.]

As solicitor for the above-named Plaintiff, I hereby undertake to be personally responsible for any costs which the said Plaintiff may be ordered to pay to the said Defendant in this action.

Dated this _____ of _____ 18 _____
Solicitor for the Plaintiff.

69.

AGREEMENT NOT TO APPEAL.

We [~~or the respective solicitors or agents of~~], the above-named Plaintiff and Defendant, do hereby, under the provisions of section 69 of the County Courts Act, 1856, agree that the decision of His Honour the Judge of this Court in this action shall be final.

Witness our hands this _____ day of _____
Plaintiff [~~or 's Solicitor~~].
Defendant [~~or 's Solicitor~~].

70.

AGREEMENT TO GIVE JURISDICTION TO A
COUNTY COURT.

We [~~or the respective solicitors of~~], *A.B.*, of, &c., and *C.D.*, of, &c., do hereby agree that the County Court of _____ shall have power to try an action to be brought by *A.B.* against *C.D.* for _____ under the provisions of section 28 of the County Courts Act, 1856.

Witness our hands this _____ day of _____ 18 _____
A.B. [~~or *E.F.*, Solicitor for *A.B.*~~]
C.D. [~~or *G.H.*, Solicitor for *C.D.*~~]

Plaintiff to be prosecuted, indicted, and tried at the last assizes for the said county upon the said charge, when the Plaintiff was acquitted, and the prosecution came to an end, by reason whereof the Plaintiff was injured in his person and character, and was put to expense in defending himself against the said charges; and the Plaintiff claims £100 damages.

(Illegal arrest.)

B. For that the Defendant wrongfully and unlawfully gave the Plaintiff into the custody of a policeman, and caused him to be handcuffed, and to be imprisoned in a police station, and thence to be taken in custody to a police office, and there to be further imprisoned, whereby the Plaintiff was put to expense in procuring his liberation from such imprisonment and in finding bail for his subsequent appearance before a Justice of the Peace; and the plaintiff claims £30 damages.

(Illegal distress.)

C. For that the Defendant, under a certain distress for rent due from the Plaintiff to him, seized and sold more goods and chattels of the Plaintiff both in quantity and value than were reasonably sufficient to satisfy the arrears of rent due, and the costs of the distress; and the Plaintiff claims £20 damages.

(Assault.)

D. For that the Defendant assaulted, beat, and wounded the Plaintiff, in consequence whereof the Plaintiff suffered much pain, and was confined to his bed, and put to expense in obtaining medical advice and attendance to cure him of the injuries inflicted by such beating and wounding; and the Plaintiff claims £100 damages.

(Libel.)

E. For that the Defendant falsely and maliciously wrote and published of and concerning the Plaintiff the words following: "*he is a liar, a blackguard, and a scoundrel*;" and the Plaintiff claims £200 damages.

(Libel of plaintiff in the way of his trade.)

F. For that the Defendant falsely and maliciously caused to be printed and published of and concerning the Plaintiff in the way of his trade as a grocer, the words following: "*Mr. A.B. sands his sugar and dusts his pepper*," whereby the Plaintiff was injured in his trade, and lost the custom of several persons, particularly X, Y, and Z, who had before dealt at the Plaintiff's shop; and the Plaintiff claims £50 damages.

(Slander.)

G. For that the Defendant falsely and maliciously spoke and published of and con-

cerning the Plaintiff the words following: "*A.B. is a thief, and stole Mr. Brown's ducks*;" and the Plaintiff claims £30 damages.

(Slander of plaintiff in the way of his calling.)

H. For that the Defendant falsely and maliciously spoke and published of and concerning the Plaintiff, in the way of his business and calling as a ratcatcher, the words following: "*A.B. is a great rogue, and instead of doing his best to kill the rats he encourages the breed, so that he may have more employment from the farmers*," whereby the plaintiff was injured in his business, and several farmers, particularly X, Y, and Z, who had usually employed him to kill the rats on their farms, ceased to do so; and the Plaintiff claims £20 damages.

(Seduction.)

J. For that the Defendant debauched and carnally knew M.G., then being the daughter and servant of the Plaintiff, whereby the said M.G. became pregnant, and was delivered of a child; and the Plaintiff thereby lost her services, and incurred expense in nursing and obtaining medical assistance and attendance for her; and the Plaintiff claims £100 damages.

Above is the statement of the Plaintiff's cause of action.

Dated this day of 18 .
A.B., Plaintiff,

or

E.F., Plaintiff's solicitor.

To the Registrar of the Court
and to the Defendant.

[N.B.—The above forms are only given as examples; and the statement of the Plaintiff's cause of action must in all cases be according to the facts, and be as concise as possible.]

76.

NOTICE OF TRIAL OF ACTION OF TORT REMITTED FOR TRIAL IN A COUNTY COURT.

(Order XXXIII., Rule 1.)

Being an action of tort commenced in the High Court of Justice, and remitted by order of a Judge thereof [or Master or District Registrar], under section 10 of "The County Courts Act, 1867," to be tried in this Court.

Take notice, that this action will be tried at a Court to be holden on the day of
at o'clock in the forenoon.

[N.B.—To the notice sent to the Defendant the Registrar must annex a copy of the statement of the Plaintiff's cause of action.]

77.

PARTICULARS TO BE DELIVERED BY CLAIMANT
WHEN INTERPLEADER TRANSFERRED FROM
THE HIGH COURT.

(Order XXXIII., Rule 9.)

[Commence as in Form 72.]

The following are the names and addresses
of the parties and solicitors to the inter-
pleader proceeding directed to be transferred
to this Court by order dated—

Viz.:—of the claimant, *A.B.*,
of (address and description).
of his solicitor, *C.D.*,
of " "
of the execution creditor, *E.F.*,
of " "
of his solicitor, *G.H.*,
of " "

The proceeding transferred is an issue to
try whether certain goods seized by the
Sheriff of Middlesex, under an execution
from the High Court in an action in which
the said *E.F.* was Plaintiff and *I.K.* De-
fendant, are the property of the said *A.B.*,
the claimant, or of the said *E.F.*, the execu-
tion creditor.

I request that the said issue may be en-
tered for hearing.

Claimant.

To the Registrar.

78.

NOTICE OF APPLICATION FOR DIRECTIONS.

(Order XV., Rule 2.)

Take notice, that I intend to apply to the
Judge [or Registrar] of this Court, on the
day of 18, for an order for
[further] directions.

[Here state all matters or proceedings pre-
vious to trial on which directions are re-
quired.]

To

Signature of Applicant.

79.

ORDER FOR DIRECTIONS.

(Order XV., Rule 1.)

Upon hearing the application for
it is ordered as follows:—That

[Here insert the directions ordered and
that either party may apply for further
directions upon giving fresh notice.]

80.

NOTICE OF DAY OF TRIAL UNDER ORDER XV.

(Order XV., Rule 6.)

Take notice, that the trial of this action
will take place on the day of
18, at o'clock in the forenoon.

To

81.

ORDER FOR AFFIDAVIT AS TO DOCUMENTS.

(Order XVI., Rule 10.)

Upon hearing

It is ordered that the do, within
days from the date of this order
answer on affidavit stating what documents
are or have been in possession or
power relating to the matters in question in
this action, and that the costs of this appli-
cation be

Dated the day of 18.

82.

AFFIDAVIT AS TO DOCUMENTS.

(Order XVI., Rule 11.)

I, the above-named Defendant, *C.D.*, make
oath and say as follows:—

1. I have in my possession or power the
documents relating to the matters in ques-
tion in this action set forth in the first and
second parts of the first schedule hereto.

2. I object to produce the said documents
set forth in the second part of the said first
schedule hereto.

3. That [here state upon what grounds the
objection is made, and verify the facts as far
as may be].

4. I have had, but have not now, in my
possession or power the documents relating
to the matters in question in this action set
forth in the second schedule hereto.

5. The last-mentioned documents were last
in my possession or power on [state when].

6. That [here state what has become of the
last-mentioned documents, and in whose
possession they now are].

7. According to the best of my knowledge,
information, and belief, I have not now, and
never had in my possession, custody, or
power, or in the possession, custody, or
power of my solicitors or agents, solicitor or
agent, or in the possession, custody, or power
of any other persons or person on my behalf,
any deed, account, book of account, voucher,
receipt, letter, memorandum, paper, or
writing, or any copy of or extract from any
such document, or any other document

89.

NOTICE TO INSPECT DOCUMENTS.

(Order XVI., Rule 15.)

Take notice, that you can inspect the documents mentioned in your notice of the day of [except the deed numbered in that notice] at [insert place of inspection] on next the inst., between the hours of 12 and 4 o'clock.

Or, that the [Plaintiff or Defendant] objects to giving you inspection of the documents mentioned in your notice of the day of , on the ground that [state the ground]:—

90.

NOTICE TO ADMIT AND INSPECT.

(Order XVIII., Rules 5, 6.)

Take notice, that the Plaintiff [or Defendant] in this action proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the Defendant [or Plaintiff], his solicitor or agent, at on the day of , 18 , between the hours of and , and the Defendant or Plaintiff is hereby required within forty-eight hours from the last-mentioned hour to admit, saving all just exceptions to the admissibility of all such documents as evidence in this action, that such of the said documents as are specified to be originals were respectively written, signed, or executed as they purport respectively to have been, that such as are specified as copies are true copies, and that such documents as are stated to have been served, sent, or delivered, were so served, sent, or delivered respectively.

Dated this day of .
G.H., of Solicitor for
Plaintiff [or Defendant].

To E.F., Solicitor for
Defendant [or Plaintiff].

ORIGINALS.

Description of Document	Dates
Deed of covenant between A.B. of the first part, and C.D. of the second part .	Jan. 1, 1848.
Letter—Defendant to Plaintiff .	Mar. 1, 1848.

COPIES.

Description of Document	Dates	Original or Duplicate served, sent, or delivered, when, how, and by whom
Register of baptism of A.B. in the parish of X.	Jan. 1, 1848.	—
Letter—Plaintiff to Defendant }	Feb. 1, 1848.	Sent by General Post, Feb. 2nd, 1848.

91.

NOTICE TO PRODUCE (GENERAL FORM).

(Order XVIII., Rule 6.)

Take notice, that you are hereby required to produce and shew to the Court on the trial of this all books, papers, letters, copies of letters, and other writings and documents in your custody, possession, or power, containing any entry, memorandum, or minute relating to the matters in question in this , and particularly [specify them].

Dated the day of , 18 .
To the above-named

h Solicitor or Agent { (Signed)
of
Agent for
Solicitor for the
above-named

92.

NOTICE TO ADMIT FACTS.

(Order IX., Rule 7.)

Takenotice, that the Plaintiff [or Defendant] in this action requires the Defendant [or Plaintiff] to admit, for the purposes of this action only, the several facts respectively hereunder specified; and the Defendant [or Plaintiff] is hereby required, within six days from the service of this notice, to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this action.

Dated, &c.

G.D., Solicitor [or Agent] for the Plaintiff [or Defendant].

To E.F. Solicitor [or Agent] for the Defendant [or Plaintiff].

The facts, the admission of which is required, are—

- 1. That John Smith died on the 1st of January, 1870.
- 2. That he died intestate.
- 3. That James Smith was his only lawful son.
- 4. That Julius Smith died on the 1st of April, 1876.
- 5. That Julius Smith never was married.

93.

ADMISSION OF FACTS, PURSUANT TO NOTICE.
(Order IX., Rule 7.)

The Defendant [or Plaintiff] in this action, for the purposes of this action only, hereby admits the several facts respectively hereunder specified, subject to the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of such facts, or any of them, as evidence in this action.

Provided that this admission is made for the purposes of this action only, and is not an admission to be used against the Defendant [or Plaintiff] on any other occasion, or by any one other than the Plaintiff [or Defendant or party requiring the admission].

Delivered, &c.

E.F., Solicitor [or Agent] for the Defendant [or Plaintiff].
To G.H., Solicitor [or Agent] for the Plaintiff [or Defendant].

Facts admitted	Qualifications or Limitations, if any, subject to which they are admitted
1. That John Smith died on the 1st of January, 1870.	1.
2. That he died intestate.	2.
3. That James Smith was his only lawful son.	3. But not that he was his only lawful son.
4. That Julius Smith died on the 1st of April, 1876.	4. But not that he died on the 1st of April, 1876.
5. That Julius Smith never was married.	5.

94.

NOTICE OF SET-OFF OR COUNTER-CLAIM.
(9 & 10 Vict. c. 95. s. 76. Order X., Rule 11.)

Take notice, that the Defendant intends at the hearing of this action to claim a set-off [or to set up a counter-claim] against the

Plaintiff's demand, the particulars of which are annexed hereto.

Dated this day of , 18 .
The Defendant [or 's Solicitor].

To the Registrar of the Court.
(The Registrar is to annex to this notice the particulars of set-off or counter-claim, as furnished by Defendant, sealed with the seal of the Court.)

95.

NOTICE OF SPECIAL DEFENCE.
(9 & 10 Vict. c. 95. s. 76.)

Take notice, that the Defendant intends at the hearing of this action to give in evidence and rely upon the following ground of defence.

Dated this day of , 18 .
The Defendant [or 's Solicitor].

To the Registrar of the Court.

Infancy. (Order X., Rule 12.)

That the Defendant was an infant, within the age of twenty-one years, when the supposed claim arose, [or the supposed contract or agreement was made,] and that he was born as he believes at in the county of on the day of .

Coverture. (Order X., Rule 13.)

That the Defendant is now [or, that she was, at the time when the supposed claim arose, or the supposed contract or agreement was made,] the wife of of .
And that she was married to him at in the county of on the day of and that he resides at in the county of .

Statute of Limitation. (Order X., Rule 14.)

That the claim for which the Defendant is summoned is barred by a Statute of Limitation [here set forth the Statute and the date from which it began to run].

Bankruptcy. (Order X., Rule 15.)

That the Defendant is a discharged bankrupt, and obtained his order of discharge from the [here state Court] on the day of .

Liquidation or scheme of arrangement.

That the Defendant was discharged by resolution of his creditors under section 125 of the Bankruptcy Act, 1869, which was duly

registered in the London Court of Bankruptcy [or elsewhere, as the case may be] on the day of , 18 [or that the Defendant was discharged by composition or scheme of arrangement pursuant to section 18 of the Bankruptcy Act, 1883, on the day , 18].

Libel or slander. (Order X., Rule 16.)

That the libel [or slander] complained of is true in substance and in fact.

Statutory defence. (Order X., Rule 18.)

That no notice of action was given to the Defendant, pursuant to

Equitable defence. (Order X., Rule 19.)

Take notice, that the Defendant intends at the hearing of this action to rely as a matter of defence on the statement hereunto annexed.

Statement.

The facts constituting the equitable defence to this action are as follows:—

[Here set out the facts as concisely as possible, and number the paragraphs as in an affidavit.]

NOTE.—*Notices of Special Defence, in cases commenced in a superior Court and sent to the County Court for trial under sections 7 or 10 of 30 & 31 Vict. c. 142, must have, in addition to the usual headings, the special headings provided for those cases.*

96.

NOTICE TO BE GIVEN BY DEFENDANT UNDER 6 & 7 VICT. C. 96. S. 1, IN AN ACTION FOR LIBEL OR SLANDER REMITTED FOR TRIAL IN A COUNTY COURT.

(30 & 31 Vict. c. 142. s. 10.)

Being an action for libel [or slander] commenced in the High Court of Justice, and remitted by order of a Judge [or Master or District Registrar] thereof under section 10 of "The County Courts Act, 1867," to be tried before this Court.

Take notice, that the Defendant on the trial of this action will give in evidence in mitigation of damages that he made [or offered] an apology to the Plaintiff for the libel [or slander] complained of before the commencement of the action [or as soon after the commencement of the action as he had an opportunity of so doing].

To the Registrar of the Court
and to the Plaintiff.

97.

NOTICE TO BE GIVEN BY DEFENDANT UNDER 6 & 7 VICT. C. 96. S. 2, IN AN ACTION FOR LIBEL REMITTED FOR TRIAL IN A COUNTY COURT.

Being an action for libel commenced in the High Court of Justice, and remitted by order of a Judge [or Master or District Registrar] thereof under section 10 of "The County Courts Act, 1867," to be tried before this Court.

Take notice, that the Defendant on the trial of this action will give in evidence and rely upon the following ground of defence: (that is to say),

That the libel was inserted in the newspaper called or known by the name of without actual malice and without gross negligence, and that before the commencement of the action [or as soon after the commencement of the action as he had an opportunity of doing so] the Defendant inserted in the said newspaper [or offered to publish in any newspaper or periodical publication to be selected by the Plaintiff] a full apology for the said libel, and that the defendant has paid into Court £ by way of amends for the injury sustained by the Plaintiff by the publication of the said libel.

Dated this day of , 18 .
C.D., Defendant,
or

E.F., Defendant's Solicitor.

To the Registrar of the Court
and to the Plaintiff.

[N.B.—If the libel was published in any periodical publication other than a newspaper, alter the notice accordingly.]

98.

DEFENDANT'S STATEMENTS.

(Order X., Rule 9.)

I, the undersigned defendant [or one of the Defendants], disclaim all interest under the will of the said E.F. named in the Plaintiff's particulars [or as heir-at-law of, or as next-of-kin, or one of the next-of-kin of E.F., deceased, named in the Plaintiff's particulars].

Or, I, the undersigned Defendant, state that I admit [or deny] [here repeat in the language of the particulars the statements admitted or denied].

Or, I, the undersigned Defendant, submit that upon the facts stated in the Plaintiff's particulars it does not appear that there is any agreement which can be legally enforced [or that it appears upon the Plaintiff's par-

particulars that I am jointly liable with one *E.F.* who is not a party to the action, and not severally liable as by the particulars appear, or that it appears by the said Plaintiff's particulars that *G.H.* should have been a joint Plaintiff with the said *A.B.* in the said action, or as the case may be].

Or, that the Plaintiff has conveyed [or assigned] his interest in the said mortgage [or equity of redemption] to one *I.J.*, or that I have conveyed or assigned to *H.L.*, by way of further charge for securing the sum of £ , the equity of redemption in the property sought by the action to be foreclosed.

Or, that since the dissolution of the partnership the Plaintiff has executed a deed under seal, whereby the Plaintiff covenants to discharge all debts and liabilities of the partnership, and generally to release me from all claims and liabilities either by or to himself and others in respect of the said partnership trading [or as the case may be].

(Signed) *C.D.*, Defendant.

Where filed by solicitor add—

This statement was filed by , of , Solicitor for the Defendant.

99.

NOTICE OF OBJECTION TO JURISDICTION.

(Order X., Rule 6.)

Take notice, that under the provisions of section 39 of the County Courts Act, 1856, I object to this action being tried in the County Court; and I propose as my sureties [here state the full names and additions of the sureties, whether housekeepers or freeholders, and their residences for the last six months, therein mentioning the county or city, places, streets, and numbers, if any [or, and I propose to deposit a sum of money in lieu of giving sureties].

Defendant.

To the Registrar of the said Court.

100.

BOND WHERE NOTICE OF OBJECTION TO JURISDICTION GIVEN.

Know all men by these presents, that we, *A.B.*, of, &c., and *C.D.*, of, &c., and *E.F.*, of, &c., are jointly and severally held and firmly bound to *G.H.*, of, &c., in £ * to be paid

* A sum sufficient to cover the amount claimed, and costs of trial in High Court of Justice, not exceeding in the whole 150l.

to the said *G.H.*, or his certain attorney, executors, administrators, or assigns. For which payment to be made we bind ourselves and each and every of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.†

Scaled with our seals and dated this day of , one thousand eight hundred and .

Whereas an action has been brought in the County Court of holden at wherein the above-mentioned *G.H.* is Plaintiff, and the above-bounden *A.B.* is Defendant:

And whereas the said *A.B.* has given due notice to the said *G.H.* of his, the said *A.B.*'s, objection to the said action being tried in the said Court, as provided by section 39 of 19 & 20 Vict. c. 108:

And whereas it is by the same section of the said statute provided that the party who shall object shall give security, to be approved by the Registrar of the Court aforesaid, for the amount claimed, and the costs of trial in the High Court of Justice:

And whereas the above-named *C.D.* and *E.F.*, at the request of the said *A.B.*, have agreed to enter into the above-written obligation for the purposes aforesaid, and the security intended to be hereby given has been approved of by the Registrar of the said County Court, as appears by his allowance in the margin hereof:‡ Now the condition of this obligation is such that if the above-bounden *A.B.*, *C.D.*, and *E.F.*, any or either of them, shall pay unto the said *G.H.*, his executors, administrators, or assigns, the costs of the trial in the High Court of Justice, and the amount for which a verdict may pass against the said *A.B.*, then this obligation shall be void, otherwise shall remain in full force.

A.B. (L.S.)

C.D. (L.S.)

E.F. (L.S.)

Signed, sealed, and delivered by the above-bounden in the presence of .§

(19 & 20 Vict. c. 108. s. 71.)

NOTE.—If a deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond, and will not require a stamp.

† For Notice of Sureties and Affidavit of Justification, see forms 116 and 117.

‡ I approve of this bond. *I.K.*,

(L.S.) Registrar.

§ This bond requires a stamp.

101.

NOTICE OF OBJECTION TO JURISDICTION TO TRY COUNTER-CLAIM.

(47 & 48 Vict. c. 61. s. 18. Order X., Rule 3.)

Take notice, that the Plaintiff objects to the Court giving any relief upon the counter-claim raised in this action beyond that which the Court was by law enabled to give prior to the coming into operation of the Supreme Court of Judicature Act, 1884.

And further take notice that the Plaintiff will, on the day appointed for the trial of this action, apply to the Judge to adjudicate upon the original claim herein.

Plaintiff.

To the Registrar and the Defendant.

102.

NOTICE OF PAYMENT INTO COURT OF WHOLE CLAIM.

(Order IX., Rule 11.)

Take notice, that the Defendant has paid into Court the full amount of your demand in this action, together with your costs therein.

[N.B.—Upon your applying for the above amount, it will be necessary that you should produce the plaint-note given to you on the entry of the plaint.]

103.

NOTICE OF PAYMENT OR PART OF CLAIM INTO COURT.

(Order IX., Rule 11.)

Take notice, that the Defendant has this day paid into Court the sum of £ . . .

If you elect to accept the same in full satisfaction of the sum claimed, and the costs you have incurred, and send to the Registrar of this Court and to the Defendant, a written notice forthwith, by post, or by leaving the same at the Registrar's office and at the Defendant's place of abode or business, the action will be discontinued, and you will be liable to no further costs. In default of such notice the said sum will be retained and the action proceeded with. If you do not appear at the hearing you will be liable to pay to the Defendant such costs as he may incur for appearing at the hearing, or such other sum of money as the Judge may order, for expenses subsequent to the payment into Court.

Dated this day of 18 .
Registrar of the Court.

To the Plaintiff.

[N.B.—Upon your applying for the above amount it will be necessary that you should produce the plaint-note given to you on the entry of the plaint.]

104.

ACCEPTANCE OF SUM PAID INTO COURT.

(Order IX., Rule 12.)

Take notice, that the plaintiff accepts the sum of £ paid by you into Court in satisfaction of the claim in respect of which it is paid in.

Dated this of 18 .
Plaintiff.

105.

NOTICE BY DEFENDANT TO THIRD PARTY.

(Order XI., Rule 1.)

To Mr. X.Y., of [address and description.]

Take notice, that this action has been brought by the Plaintiff against the Defendant [as surety for M.N., upon a bond conditioned for payment of 20l. and interest to the Plaintiff.]

The defendant claims to be entitled to contribution from you to the extent of one half of any sum which the plaintiff may recover against him, on the ground that you are his co-surety under the said bond [or, also surety for the said M.N., in respect of the said matter, under another bond made by you in favour of the said plaintiff, dated the day of 18 .]

[Or, as acceptor of a bill of exchange for 50l., dated the day of 18 , drawn by you before and accepted by the defendant, and payable three months after date.

The defendant claims to be indemnified by you against liability under the said bill, on the ground that it was accepted for your accommodation.]

[Or, to recover damages for a breach of a contract for the sale and delivery to the plaintiff of 100 tons of coal.

The defendant claims to be indemnified by you against liability in respect of the said contract, or any breach thereof, on the ground that it was made by him on your behalf and as your agent.]

And take notice that if you wish to dispute the plaintiff's claim in this action as against the defendant C.D., you must appear at this Court on the return day of the summons in this action, a copy of which summons is herewith annexed.

In default of your so appearing you will

not be entitled in any future proceeding between the Defendant *C.D.* and yourself to dispute the validity of the judgment in this action, whether obtained by consent or otherwise
(Signed *C.D.*)

Or,

L.M.

Solicitor for the Defendant.
C.D.

106.

NOTICE TO DEFENDANT OF NON-SUFFICIENCY OF AFFIDAVIT UNDER ORDER XII., RULE 9.

Take notice, that the affidavit filed by you does not disclose a good defence to this action on the merits thereof, and you must therefore attend the Court in pursuance of your summons [or where the affidavit has accompanied the notice of defence required by a default summons, upon the day mentioned in the notice sent herewith.]

107.

NOTICE TO PLAINTIFF TO DEPOSIT SUM IN COURT UNDER ORDER XII., RULE 9.

Take notice, that the above-named Defendant (whose residence or place of business is more than twenty miles distant from this Court) having filed with me an affidavit disclosing a good defence to this action upon the merits, you are required within two days from the date hereof to deposit in Court the sum of £ , to abide the event of this action. And also take notice that in default of your making such deposit as directed the action will be struck out.

108.

NOTICE TO DEFENDANT OF DEPOSIT UNDER ORDER XII., RULE 9, HAVING BEEN MADE, OR NOT HAVING BEEN MADE.

Take notice, that the plaintiff has this day deposited with me the sum of £ , to abide the event of this action.

Or, Take notice that the Plaintiff has not deposited with me any sum of money to abide the event of this action. The action will be struck out and you need not attend the Court in pursuance of your summons.

109.

NOTICE TO PARTIES WHOSE NAMES ARE ADDED AS DEFENDANTS.

(Order XIV., Rule 2. Order XIV., Rule 12.)

I hereby give you notice that by an order of this Court, dated the day of ,

a copy of which order is hereunto annexed, together with a copy of the summons in the action, you were ordered to be added as one of the Defendants in the above action.

And further take notice that the hearing of the above action has been adjourned to the day of at o'clock in the forenoon, and that if you do not attend at the court-house at upon the day and at the hour above-mentioned, either in person or by your solicitor, such order will be made and proceedings taken as the Judge may think fit.

110.

NOTICE BY PLAINTIFF TO INDIVIDUAL MEMBERS OF A FIRM THAT JUDGMENT MAY BE GIVEN AGAINST THEM.

(Order III., Rule 15.)

Take notice, that at the trial of this action the Judge will be asked to give judgment against each of you as being co-partners in the firm of [state firm], and that unless sufficient cause be shewn by you or any of you to the contrary at such trial, judgment will be given against you or such of you as do not shew sufficient cause to the contrary at the trial.

111.

NOTICE TO PLAINTIFF THAT DEFENDANT DEFENDS ON BEHALF OF OTHERS.

(Order III., Rule 8.)

Take notice, that the above-named Defendant has obtained an order for leave to defend the above action on behalf of or for the benefit of [state names of persons as in order], as well as on his own behalf. You may, if you think fit, object at the trial to the Defendant defending on behalf of all or any of such persons. The affidavit on which the above-mentioned order was made is filed at my office and may be inspected by you.

Dated this of 18
Registrar.

To the above-named Plaintiff.

112.

NOTICE TO REGISTRAR OF CHANGE IN PLAINTIFF'S TITLE BEFORE JUDGMENT.

(Order XVII., Rule 2.)

* I hereby give you notice that , the Plaintiff in the above action, died upon the day of , and that his last

* By executor or administrator.

will and testament were duly proved by me in the principal [or district] probate registry of the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice [or that letters of administration to his personal estate and effects were duly granted to me] upon the day of 18 , and that I am the executor of his said will [or that I am the administrator of the personal estate and effects of the said deceased.]

† [Or, The above-named by an assignment dated the day of duly assigned all his interest in the subject-matter of the above action to me, the undersigned.]

And further take notice that I am desirous of being substituted as Plaintiff in the above action against the above-named Defendant in the place of the said [or in addition to the said Plaintiff.]

Dated this day of

(Signature)

To the Registrar of the Court and to the above-named Defendant.

† By assignee.

113.

NOTICE TO DEFENDANT OF CHANGE IN PLAINTIFF'S TITLE BEFORE JUDGMENT.

(Order XVII., Rules 2 and 3.)

I hereby give you notice that of as executor of the last will and testament of deceased [or as administrator of the personal estate and effects of deceased [or as assignee under an assignment dated the day of] has this day filed an affidavit, together with a notice, a copy of which notice is hereunto annexed, stating that he is desirous of being substituted as a Plaintiff in the above action against you in the place of [or added as a Plaintiff with] the above-named plaintiff in the above action against you.

And further take notice that unless you appear at the hearing of this action upon the day of 18 , at o'clock in the forenoon, to shew cause against the same, the said will be substituted for [or made a joint plaintiff with] the above-named Plaintiff.

[N.B.—Similar notices upon change in defendant's title before judgment may be prepared from this and the last form.]

114.

ORDER TO CONTINUE PROCEEDINGS AGAINST A NEW PARTY.

(Order XVII. Rules 4, 5.)

Upon hearing who alleged [*state circumstances rendering the order necessary*], it is ordered that the proceedings in this action be carried on between the Plaintiffs [*name the continuing Plaintiffs*] and the Defendants [*name the continuing Defendants*] and A.B. [the person upon whom the interest or liability has devolved].

Judge or Registrar.

115.

ORDER FOR ISSUE OF EXECUTION AFTER DEATH OR CHANGE OF INTEREST OR LIABILITY AFTER JUDGMENT.

(Order XXV. Rule 9.)

Upon hearing [*or, when required*], reading the affidavit of [] it is ordered that E.F., the executor of A.B., the Plaintiff in this action, who has died since judgment, be substituted as Plaintiff for the original Plaintiff, and that the said E.F. be at liberty to issue execution against C.D., the Defendant, for the amount of the unsatisfied judgment and costs, [or that the question whether E.F., the executor of A.B., the original Plaintiff now deceased, is entitled to recover the amount of the judgment obtained against C.D. the Defendant and costs, shall be tried by action to be commenced by plaintiff in the ordinary way, wherein the said E.F. shall be Plaintiff and the said C.D. Defendant].

Judge or Registrar.

116.

ORDER FOR CONSOLIDATION.

(Order VII. Rules 1 and 4; Order XII. Rule 11.)

In the County Court of, &c.

Plaint No. .

Between A.B., Plaintiff,
and
C.D., Defendant,
and

Plaint No. .

Between A.B., Plaintiff,
and
C.D., Defendant.

[Add the plaintiff numbers and titles of all the actions to be consolidated.]

Whereas the said A.B. has commenced the [two] actions above mentioned against the said C.D. for or in respect of different

causes of action which might have been joined in one action, and whereas the aggregate amount of the debts and damages claimed [or the aggregate claims] in the said actions does [or do] not exceed the jurisdiction of this Court:

I do therefore order that the said actions be consolidated and tried together as one action [add any special terms].

[And I do further order that the Plaintiff do pay and bear in any event all costs thrown away by reason of the bringing of [two] actions instead of one, and that the costs of and incident to this application and the order consequent thereon be Defendant's costs in any event.]

And I do further order that this order shall be drawn up and served on the said A.B.
Judge.

117.

UNDERTAKING BY DEFENDANT APPLYING FOR
STAY OF PROCEEDINGS.

(Order VIII. Rule 2.)

In the County Court of, &c.

Plaint No. .

Between A.B., Plaintiff,
and
C.D., Defendant,
and

Plaint No. .

Between E.F., Plaintiff,
and
C.D., Defendant.

Whereas the above-mentioned actions have been brought in this Court by the said A.B. and E.F. against me, and whereas the causes of action in the said actions arise out of the same alleged breach of contract [or wrong or breach of duty].

Now, therefore, I undertake to be bound, so far as my liability in the said actions is concerned, by the judgment of the Court, in either of the said actions which may be selected by the Judge.

C.D.,
Defendant.

118.

ORDER TO STAY PROCEEDINGS.

(Order VIII. Rule 2; Order XII. Rule 11.)

[Title as in Form 117.]

Whereas the above actions have been commenced in this Court against the said C.D. for or in respect of causes of action arising out of the same breach of contract [or wrong or breach of duty]:

And whereas the said C.D. has filed an undertaking to be bound, so far as his lia-

bility to the Plaintiffs, A.B. and E.F., in the said actions is concerned, by the decision of the Court in one of such actions:

I do therefore order that all proceedings in the second-mentioned action be stayed until judgment shall have been given in the first-mentioned action.

[And I do further order that the costs of this application and of the order consequent thereon be costs in the first-mentioned action and abide the event thereof.]

And I do further order that this order shall be drawn up and served on the said A.B. and E.F.

Judge.

119.

CERTIFICATE OF DEPOSIT.

(19 & 20 Vict. c. 108. s. 71.)

I do hereby certify that the Plaintiff [or Defendant] has paid into my hands the sum of £ [here state the proceeding which has rendered the deposit necessary].

Dated this day of 18 .
Registrar of the Court.

120.

NOTICE OF PROPOSED SURETIES.

(Order XXIX. Rule 1).

Take notice, that the sureties whom I propose as my security in the above action [here state the proceeding which has rendered the sureties necessary] are [here state the full names and additions of the sureties, whether housekeepers or freeholders, and their residences for the last six months, therein mentioning the county or city, places, streets, and numbers, if any].

Dated this day of 18 .
To the

121.

AFFIDAVIT OF JUSTIFICATION.

(Order XXIX. Rule 2.)

I, , of , one of the sureties for the Defendant, make oath and say, that I am a housekeeper [or freeholder, as the case may be], residing [describing particularly the county or city, the street or place, and the number of the house, if any], that I am worth property to the amount of £ [the amount required by the practice of the Court] over and above what will pay my just debts [if security in any other action or for any other purpose, add, and every other sum for which I am now security], that I am not bail or security in any other action or proceeding or for any

other person [*or if security in any other action or actions, add, except for C.D., at the suit of E.F., in the Court of in the sum of £*].

shall be decided by His Honour the Judge of this Court.

Witness our hands, this day of 18 .

Plaintiff [*or 's Solicitor*].
Defendant [*or 's Solicitor*].

122.

NOTICE BY REGISTRAR OF DAY AND HOUR UPON WHICH BOND TO BE EXECUTED.

(Order XXIX. Rule 1.)

Take notice, that I have appointed the day of 18 , at o'clock in the forenoon, at my office, for the and his sureties to execute the bond proposed to be given in the above action.

[*To be added to notice to obligee:—And further take notice that if you have any valid objection to make to the sureties, or either of them, such objection must then be made.*]

Dated this day of 18 .
 Registrar of the Court.

To the Plaintiff [*or Defendant*].

126.
NOTICE TO BE SENT TO BOTH PARTIES OF TRIAL WHERE ACTION SENT DOWN BY HIGH COURT OF JUSTICE.

Whereas, under the provision of section 26 of The County Courts Act, 1856, an action commenced in the High Court of Justice, wherein A.B. of, &c., is Plaintiff, and C.D. of, &c., is Defendant, has been ordered by a Judge thereof [*or master or district Registrar*] to be tried in this Court:

Take notice, that the said action will be tried in this Court on the day of at the hour of in the noon.

To Plaintiff and Defendant.

123.

ORDER FOR CHANGING VENUE.

(19 & 20 Vict. c. 108. ss. 20, 22.)

It is ordered, that the venue in the above action be changed, and that the action be sent for hearing to the County Court of holden at .

To the Plaintiff and Defendant.

127.
County Court of holden at .
LIST OF GENTLEMEN WHO HAVE CONSENTED TO ACT AS ASSESSORS IN THIS COURT UNDER SECTION 5 OF THE COUNTY COURTS ACT, 1875.
(Order XXI., Rule 3.)

No.	Name	Address	Description
1	A.B. . .		
2	C.D. . .		
3	E.F. . .		
4	G.H. . .		
5	I.K. . .		
6	L.M. . .		
7	N.O. . .		
8	P.Q. . .		
9	R.S. . .		
10	T.U. . .		
11	V.W. . .		
12	X.Y. . .		

124.

NOTICE BY COURT, TO WHICH AN ACTION HAS BEEN SENT, OF THE DAY OF TRIAL.

(19 & 20 Vict. c. 108. ss. 20, 22.)

Take notice, that the above action has been sent for trial to this Court, and that it is appointed to be tried in this Court on the day of 18 , at the hour of in the noon.

To the Plaintiff and Defendant.

128.
APPLICATION FOR ASSESSORS.
(Order XXI., Rule 7.)

No. of Plaint.
In the County Court of holden at .
Between Plaintiff,
 and
 Defendant.
The Plaintiff [*or Defendant*] applies to have

125.

CONSENT THAT COURT SHALL DECIDE IN AN ACTION WHERE TITLE HAS INCIDENTALLY COME IN QUESTION.

(19 & 20 Vict. c. 108. s. 25.)

We [*or the respective Solicitors of*], the Plaintiff and Defendant, do hereby, under the provisions of section 25 of The County Courts Act, 1856, consent that this action

this action tried with an assessor [or assessors], and he submits to His Honour the Judge the name of No. 1, A.B., merchant [or, as the case may be], [or No. 4, G.H. and No. 9, R.S.], as fit persons to be summoned to act as assessors.

* The Defendant [or Plaintiff] consents to the appointment of the assessors herein named, as appears by his consent thereto filed herewith.

Dated this _____ of _____, 18 ____.
Plaintiff [or Defendant].

Memorandum of Consent by Judge.

I consent to try this action with the assistance of the assessors [or, as the case may be].
Judge.

When the application is in an action under the Employers' Liability Act, substitute as follows for the first paragraph.

(Order XLIV., Rule 6.)

The Plaintiff [or Defendant] applies to have an assessor [or assessors] appointed to assist the Court in ascertaining the amount of compensation to be awarded to the Plaintiff, should the judgment be in his favour; and he submits the names of the following persons, who have expressed their willingness in writing to act as assessors, should they be appointed.

(Here set out the names, addresses, and occupations of the persons above referred to.)

* Where the other party does not consent, or where the other party has filed an application for the appointment of assessors, strike this paragraph out.

129.

SUMMONS TO ASSESSORS.

(Order XXI.)

In the County Court of _____ holden
at _____.

No. ____.
[Title of Action.]
(Seal.)

The _____ day of _____, 18 ____.
Sir,

You are hereby summoned to attend and serve as an assessor in this Court on the day of _____, 18 ____, at the hour of _____ in the _____ noon, to assist the Judge of this Court in the hearing and determination of this action under section 5 of the County Courts Act, 1875.

I am, Sir,

Your obedient Servant,

Registrar.

To _____, of _____.

130.

NOTICE TO OPPOSITE PARTY OF NAMES OF ASSESSORS SUGGESTED BY PARTY APPLYING THAT THE ACTION SHOULD BE TRIED WITH THEIR ASSISTANCE.

(Order XXI., Rule 9.)

Take notice that the Plaintiff [or Defendant] having applied to His Honour the Judge for the appointment of assessors to assist him in trying this action, His Honour the Judge is willing that it should be so tried.

Below are the names of the assessors the Plaintiff [or Defendant] desires should be summoned.

Should you have any objection to their acting as assessors, you must forthwith send me in writing your reasons for your objection and must mention the names of any other of the assessors of this Court whom you are willing should be summoned.

Should you have no objection to the assessors named being summoned, you must forthwith sign this notice and return it to me.

No. 1, A.B., of _____, Merchant.

No. 4, G.H., of _____, Merchant.

The Plaintiff [or Defendant] has no objection to make to the above assessors being summoned.

(Signature.)

131.

NOTICE OF SITTING TO HEAR OBJECTIONS RAISED BY ONE PARTY TO THE ASSESSORS NAMED BY THE OTHER.

(Order XXI., Rule 10.)

Take notice, that His Honour the Judge [or I] will on the _____ day of _____, 18 ____, at the hour of _____ in the _____ noon, sit at No. _____ Street to hear the objections made by the Plaintiff [or Defendant] to the under-mentioned persons being summoned to act as assessors in this action.

Dated this _____ of _____, 18 ____.
Registrar of the Court.

To the above-named Plaintiff and Defendant.

132.

ORDER UPON HEARING OBJECTION TO PROPOSED ASSESSORS.

(Order XXI., Rule 10.)

Upon the hearing of the objections made by the Plaintiff [or Defendant] to the under-mentioned persons being summoned to act as assessors in this action [here insert order].

By the Court,

Registrar.

133.

NOTICE OF REFUSAL TO SUMMON ASSESSORS.
(Order XXI., Rule 8.)

I hereby give you notice that His Honour the Judge of this Court has directed me to inform you that your application for assessors to be summoned to assist him at the hearing of the above action is refused, he being of opinion that the appointment of such assessors is unnecessary in the present action.

Dated this day of , 18 .
To Registrar.
of

134.

SUMMONS WHERE A DEFENDANT SUED BY AN
ASSIGNEE HAS HAD NOTICE THAT THE AS-
SIGNMENT IS DISPUTED BY THE ASSIGNOR.

(Order XXVII., Rule 13.)

[*Title of Action.*]

Whereas the Defendant in this action has had notice from you that you dispute the assignment of the subject-matter in dispute between the Plaintiff and Defendant in this action [or that you claim the subject-matter in this action];

You are therefore summoned to appear at a Court to be holden at _____ on the _____ day of _____ at the hour of _____ in the _____ noon, when the dispute [or claim] between you and the Plaintiff will be determined, and judgment be given determining the rights and claims of the Plaintiff, the Defendant, and yourself.

Dated this day of 18 .
Registrar.

To *E.F.*, of [*here insert address and description of the person to be summoned*].

135.

SUMMONS WHERE A DEFENDANT SUED BY AN
ASSIGNEE HAS HAD NOTICE THAT THE AS-
SIGNMENT IS DISPUTED BY THE ASSIGNOR,
AND HAS PAID DEBT AND COSTS INTO COURT.

(Order XXVII., Rule 14.)

[Title of Action.]

Whereas the Defendant has had notice that you dispute the assignment of the subject-matter in this action:

And whereas he has paid into Court the sum of £ being the amount claimed by the action, and the sum of £ for costs :

This is to give you notice that you must appear at a Court to be holden on the day of at the hour of in the noon, when the Court will adjudicate.

136.

ORDER WHERE ASSIGNMENT IS INVALID.

(Order XXVII., Rule 13.)

No. of Plaint.

In the County Court of _____ holden
at _____

Between *A.B.*, Plaintiff,
C.D., Defendant,
 and

E.F., made party by summons,
dated the day
of .

It is this day adjudged, touching the dispute as to the assignment of the subject-matter of this action to the Plaintiff, that there is no such assignment as alleged, and that the said E.F. do recover against the Plaintiff the sum of £ for costs, and that the Defendant do recover against the Plaintiff the sum of £ for costs.

It is further adjudged that the said *E.F.* do recover against the Defendant the sum of £ for debt, and the sum of £ for costs, amounting together to the sum of £ .

It is ordered that the Plaintiff do pay the sum of £ , and the sum of £ to the Registrar on, &c.

And it is further ordered that the Defendant do pay the sum of £ to the Registrar, &c.

137.

ORDER WHERE ASSIGNMENT IS VALID.

(Order XXVII, Rule 13.)

No. of Plaintiff.

[Heading as in last Form.]

It is this day adjudged, touching the dispute as to the assignment of the subject-matter of this action to the Plaintiff, that the said assignment is good, and that the Plaintiff do recover against *E.F.* the sum of £ for costs; and that the defendant do recover from the said *E.F.* the sum of £ for costs.

It is further adjudged that the Plaintiff do recover against the defendant the sum of £ for debt, and £ for costs, amounting together to the sum of £

It is ordered that *E.F.* do pay the sum of £ and the sum of £ to the Registrar of the Court, on the day of .

And it is further ordered that the Defendant do pay the sum of £ to the Registrar on the day of [or by instalments of for every days, the first instalment to be paid on the day of 18].

138.

ORDER WHERE ASSIGNMENT IS INVALID AND
DEFENDANT FILES A COUNTER-CLAIM
AGAINST PLAINTIFF.

(Order XXVII. Rule 13.)

[*Heading as in Form 136.*]

It is this day adjudged, touching the dispute as to the assignment of the subject-matter of this action to the Plaintiff, that there is no such assignment as alleged, and that the counter-claim of £ against the Plaintiff by the Defendant is sustained.

It is adjudged that *E.F.* do recover against the Defendant the sum of £ for debt, together with the sum of £ for costs, amounting together to the sum of £ .

It is further adjudged that the Defendant do recover against the Plaintiff the sum of £ in respect of his counter-claim and the sum of £ for costs, amounting together to the sum of £ [or that judgment be entered for the Plaintiff upon the counter-claim with costs].

It is ordered that the Defendant do pay the sum of £ together with the sum of £ to the Registrar on, &c.

It is further ordered that the Plaintiff do pay the sum of £ and the sum of £ to the Registrar on, &c. [or that the Defendant do pay to the Plaintiff the further sum of £ for costs of counter-claim.]

139.

REGISTRAR'S NOTICE OF JURY.

(9 & 10 Vict. c. 95. s. 70.)

Take notice, that this action will be tried by a jury, the having demanded a jury therein.

140.

SUMMONS TO JURORS.

In the County Court of
holden at .

You are hereby summoned to appear and serve as a juror in this Court, at the on the day of 18 , at the hour of in the noon, upon the trial of the action or actions to be then and there tried by jury, and in default of attendance you will be liable to a penalty of five pounds, under section 72 of The County Courts Act, 1846.

Given under the seal of the Court this
of 18 .
To Registrar of the Court.
of

141.

ORDER FINING A JUROR FOR NON-ATTENDANCE.
(9 & 10 Vict. c. 95. s. 72.)

In the County Court of
holden at

Whereas was duly summoned to appear and serve this day as a juror in this Court, upon the trial of the action or actions to be tried by jury at this Court; and whereas he has neglected, without sufficient cause shewn, to appear and serve as a juror at this Court: It is hereby ordered, that he shall forthwith [or on the day of pay to the Registrar of this Court a fine of £ for such neglect.

142.

WARRANT OF EXECUTION AGAINST THE GOODS
OF A JUROR FOR A FINE.

(9 & 10 Vict. c. 95. ss. 87, 94.)

Whereas was duly summoned to appear and serve as a juror at a Court holden on the day of upon the trial of any action or actions to be then and there tried by jury:

And whereas he neglected, without sufficient cause shewn, then to appear and serve as a juror at such Court, it was thereupon ordered by the Court that he should forthwith [or on the day of] pay to the Registrar of this Court a fine of £ for such neglect:

And whereas the said sum has not been paid according to the said order, and His Honour the Judge of this Court has ordered it to be levied as hereinafter mentioned; these are therefore to require and order you forthwith to make and levy, by distress and sale of the goods and chattels of the said , wheresoever they may be found within the district of this Court (excepting the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds) the sum stated at the foot of this warrant, being the amount of such fine, and the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money belonging to him, which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the Registrar of this Court, and make return of what you have done under this warrant immediately upon the execution thereof.

[*Conclude as in Form 153.*]

143.

ORDER TO ADJOURN PROCEEDINGS.

(9 & 10 Vict. c. 95. s. 81.)

It is ordered, that the trial of this action be adjourned until the day of 18 , at o'clock in the noon.

In default of your attendance you will be liable to a penalty of 10*l*.

Dated this day of 18 .
Registrar of the Court.

To
[Here insert list of documents required to be produced.]

144.

NOTICE OF POSTPONEMENT OF TRIAL.

(Order XII. Rule 14.)

I hereby give you notice that the trial of the above action is postponed until the day of 18 , at o'clock in the forenoon, and if you do not attend at the court-house at upon the day, at the hour above mentioned, either in person or by your solicitor, such order will be made and proceedings taken as the Judge may deem fit.

Dated this day of 18 .
Registrar.

To the Plaintiff and Defendant.

145.

SUMMONS TO WITNESS TO GIVE EVIDENCE.

(38 & 39 Vict. c. 50. s. 2.)

You are hereby required to attend at [the court-house in] on the day of 18 , at the hour of in the noon, to give evidence in the above action on behalf of the [Plaintiff or Defendant, as the case may be].

In default of your attendance you will be liable to a penalty of 10*l*.

Dated this day of 18 .
Registrar of the Court.

To .

146.

SUMMONS TO WITNESS TO PRODUCE DOCUMENTS.

(38 & 39 Vict. c. 50. s. 2; Order XVIII. Rule 4.)

You are hereby required to attend at [the court-house in] on the day of 18 , at the hour of in the noon, on the hearing of the above action, to give evidence in behalf of and also to bring with you and produce at the time and place aforesaid the several documents hereunder specified [and all other books, papers, writings, and other documents relating to the above action which may be in your custody, possession, or power].

147.

AFFIDAVIT OF SERVICE OF SUMMONS ON A WITNESS.

(Order XVIII. Rule 1.)

I of the above-named Plaintiff [or Defendant, or I, *L.M.*, of the solicitor for the above-named Plaintiff or Defendant, or *X.Y.*, of a clerk or servant in the employ of *L.M.*, the solicitor for the above-named Plaintiff or Defendant] make oath and say as follows:—

1. That I [where service made by a clerk or servant] am a clerk [or servant] in the employ of *L.M.*, the solicitor for the above-named Plaintiff or Defendant.

2. That I did on the day of 18 , duly serve the witness *E.F.*, of with a summons, a true copy of which is hereunto annexed, marked "A," by delivering the same personally to the said witness *E.F.*, at in the county of .

3. That I paid the said witness *E.F.*, at the same time and place, the sum of conduct-money in accordance with the authorised scale of allowances to witnesses in this honourable Court.

Sworn at

(Indorse the copy summons thus:—This paper, marked "A," is the paper referred to in the annexed affidavit).

148.

ORDER FINING A WITNESS FOR NON-ATTENDANCE.

(9 & 10 Vict. c. 95. s. 86; Order XVIII. Rule 4.)

Whereas of was duly summoned to appear as a witness in this action at a Court this day holden, and at the time of being so summoned payment [or a tender of payment] of his expenses was made according to the scale of allowance settled by the rules of practice of the County Courts:

And whereas he has neglected without sufficient cause shewn to appear at the Court [or to produce] [here describe what he was required by such summons to produce]:
or (a) Whereas being this day present in Court, and being required by the

Court to give evidence in this action refused to be sworn, without alleging as a ground for such refusal that he had any conscientious scruples with respect to taking an oath [or, after being duly sworn, refused to give evidence] or to produce] [*here describe what he was required and bound to produce*]: It is hereby ordered that the said shall forthwith [or on the day of] pay to the Registrar of this Court a fine of £ for such neglect [or refusal].

[or, It is ordered that the said do, on or before the day of 18 , produce and leave with the Registrar of this Court at his office, situate at , the following (*describe what he was required and bound to produce*).]

149.

WARRANT OF EXECUTION AGAINST THE GOODS
OF A WITNESS FOR A FINE.

(9 & 10 Vict. c. 95. ss. 86, 87.)

Whereas was duly summoned to appear as a witness in this action at a Court holden at on the day of , 18 , and at the time of being so summoned payment [or a tender of payment] of his expenses was made, according to the scale of allowance settled by the rules of practice of the County Courts; and whereas he neglected, without sufficient cause shewn, to appear at such Court [or to produce [*here describe what he was required and bound to produce*]]: or *Whereas being present in Court on the day of , 18 , and being required by the Court to give evidence, refused to be sworn without alleging as a ground for such refusal that he had any conscientious scruples with respect to taking an oath [or after being duly sworn, refused to give evidence, or to produce, &c.], it was thereupon ordered by the Court that he should forthwith [or on the day of , 18 ,] pay to the Registrar of this Court a fine of £ for such neglect [or refusal]; and whereas the said sum has not been paid according to the said order, and the Judge of this Court has ordered it to be levied as hereinafter mentioned, these are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the said wheresoever they may be found, within the district of this Court (excepting the wearing apparel and bedding of him or his family, and the tools and implements of his trade (if any) to the value of five pounds,) the sum

* Where witness is present in Court, commence Form here.

stated at the foot of this warrant, being the amount of such fine and the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money belonging to him which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the Registrar of this Court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of this Court, this day of , 18 .

By the Court,

Registrar of the Court.

To the High Bailiff of the said Court, and others the Bailiffs thereof.

	£	s.	d.
Amount of fine			
Poundage for issuing this warrant			
TOTAL			

NOTICE.—*The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the said witness.*

(19 & 20 Vict. c. 108. s. 46.)

Application was made to the Registrar for this warrant at minutes past the hour of in the noon of the day of , 18 .

150.

AFFIDAVIT TO OBTAIN A WARRANT TO BRING
UP A PRISONER.

(19 & 20 Vict. c. 108. s. 31.)

I of the Plaintiff [or Defendant] make oath and say, that the above action is appointed to be tried at this Court on the day of , 18 , and that *E.F.*, now a prisoner confined in [*state the prison*], will be a material witness for me upon the said trial. And I further say, that I am advised and verily believe that I cannot safely proceed to the trial of the said action without the testimony of the said *E.F.* And I do hereby make application to His Honour the Judge of this Court for a warrant, in order that the said *E.F.* may be brought before this Court to be examined as a witness on my behalf.

151.

WARRANT TO BRING UP A PRISONER TO
GIVE EVIDENCE.

(19 & 20 Vict. c. 108. s. 31.)

To [officer in whose custody the prisoner is].

Whereas the Plaintiff [or Defendant] hath made application to me, by affidavit, for a warrant to bring up before this Court *E.F.*, who it is said is detained as a prisoner in your custody, in order that the said *E.F.* may be examined as a witness on behalf of the said Plaintiff [or Defendant] in a certain action depending in this Court between the said *A.B.*, Plaintiff, and *C.D.*, Defendant: You are therefore hereby required to bring the said *E.F.* before this Court at [Court-house] on the day of , 18 , at o'clock in the noon, then and there to be examined as a witness on behalf of the said Plaintiff [or Defendant]; and immediately after the said *E.F.* shall have given his testimony before this Court, that you safely conduct him the said *E.F.* to the prison from which he shall have been brought under this warrant.

152.

ORDER FOR EXAMINATION OF WITNESSES
BEFORE TRIAL.

(Order XVIII. Rule 14.)

Upon hearing and upon reading the affidavit of filed the day of , 18 , and . It is ordered that a witness on behalf of the be examined *viva voce* (on oath or affirmation) before [here insert name of person appointed], the solicitor [or agent giving to the solicitor or agent] notice in writing of the time and place where the examination is to take place.

And it is further ordered that the examination so taken be filed with the Registrar of this Court at his office situate at , and that an office copy or copies thereof may be read and given in evidence on the trial of this action, saving all just exceptions, without any further proof of the absence of the said witness than the affidavit of the solicitor or agent of the as to his belief, and that the costs of this application be .

153.

NOTICE OF DESIRE TO EXAMINE DEFENDANT
AS TO CERTAIN DEBTS DUE TO HIM.

(Order XXVI. Rule 1.)

I, the above-named Plaintiff, am desirous, should I succeed in obtaining a judgment against the Defendant, of having him examined forthwith after I have obtained such judgment, as to whether or not the following debts are due to him from the following persons—namely,

<i>E.F.</i> of	for goods sold and delivered
<i>G.H.</i> of	for work done.
	(Signed) <i>A.B.</i> , Plaintiff.

To the Registrar of the above Court.

154.

ORDER WHEN GARNISHEE PRESENT.

(Order XXVI. Rule 2.)

Whereas the Plaintiff has obtained a judgment against the Defendant for the sum of £ [here insert the amount of judgment]:

Upon examination of the Defendant and *E.F.* of it is ordered that all debts due and owing or accruing due from the said *E.F.* to the above-named Defendant shall be attached to answer the said judgment debt.

And it is further ordered, that the said *E.F.* do pay into Court the sum of , being the amount of the debt due from him to the above-named Defendant [or being so much of the debt due from him to the above-named Defendant as is sufficient to satisfy the said judgment debt] on the day of .

155.

AFFIDAVIT FOR LEAVE TO SUMMON GARNISHEE.

(Order XXVI. Rule 3.)

I, *A.B.*, of , in the county of , the above-named Plaintiff, make oath and say:

1. That I, on the day of last, recovered a judgment in the County Court of , holden at , in this action against the above-named defendant, for the sum of £ debt and costs.

2. That the said judgment is still wholly unsatisfied [or is still unsatisfied to the sum of £ part of the said judgment so recovered as aforesaid].

3. That the said *M.N.*, of _____, in the county of _____, is indebted to the said Defendant in the sum of £ _____.

4. That the said *M.N.* resides or carries on business within the district of this honourable Court [or that the cause of action between the said defendant and the said *M.N.* arose wholly or in part within the district of this honourable Court, or that the said *M.N.* dwelt or carried on business within the district of this honourable Court within six calendar months of this, the _____ day of _____, 18 ____].
Sworn, &c.

156.

SUMMONS UPON A GARNISHEE.

(Order XXVI. Rule 3.)

Between *A.B.*, Plaintiff.

(Address and description.)

and

C.D., Defendant,

(Address and description.)

and

M.N., Garnishee,

(Address and description.)

Whereas the Plaintiff at a Court holden at _____ on the _____ day of _____,

18 ____, obtained a judgment against *C.D.*, of [name, address, and description] for the sum of £ _____ for _____ and costs, which judgment remains unsatisfied. And whereas the Plaintiff having filed an affidavit stating that you are indebted to the said *C.D.*, you are hereby summoned to appear at a Court holden at _____ on the _____ day of _____, 18 ____, at the hour of _____ in the _____ noon, to shew cause why an order should not be made upon you for the payment of the amount of the said judgment, or so much thereof as shall equal the amount of the debts due and owing and accruing from you to the said *C.D.*

And take notice, that from and after the service of the summons upon you all such debts are attached to answer the said judgment, and that if you shall pay the said debts to the said *C.D.*, or otherwise dispose of them, you will be liable to be committed for contempt.

And further take notice, that if you shall pay to the Registrar of the Court the amount of such debts, or so much thereof as will satisfy the judgment debt, five clear days before the day you are required to appear, you will incur no costs.

Registrar of the Court.

To the Garnishee.

157.

JUDGMENT AGAINST GARNISHEE.

(Order XXVI., Rule 8.)

Whereas the Plaintiff at a Court holden at _____ on the _____ day of _____, 18 ____, obtained a judgment against *C.D.* of _____ for the sum of £ _____ for _____ and for costs, and which judgment remains now unsatisfied: And whereas the Plaintiff having filed an affidavit stating that the said *M.N.* was indebted to the said *C.D.*, the said *M.N.* was summoned to shew cause why he should not be ordered to pay the amount of the said judgment or so much thereof as should equal the amount of the debts due and owing and accruing from him to the said *C.D.*; and the said *M.N.* having failed to appear before the Court this day [or appeared before the Court this day, and having failed to shew cause why he should not be ordered to pay such debts or having shewn sufficient cause why he should not be ordered to pay such debts]:

It is ordered, that the Plaintiff do recover against the said *M.N.* the sum of £ _____ [here insert the amount of the judgment debt, or so much thereof as the debts amount to when the same are less than the judgment debt,] and £ _____ for costs, amounting together to the sum of £ _____ [or that the Plaintiff do pay the sum of £ _____ for the costs of the said *M.N.*].

It is ordered that the said *M.N.* [or Plaintiff] do pay the same to the Registrar of the Court on the _____ day of _____, 18 ____, [or, where judgment for plaintiff, and the Judge so order, by instalments of _____ for every _____ days; the first instalment to be paid on the _____ day of _____, 18 ____].

158.

EXECUTION AGAINST GARNISHEE.

(Order XXVI., Rule 2.)

Whereas on the _____ day of _____, 18 ____, it was ordered that *M.N.* should pay into Court the sum of _____ being the [or so much of the] amount of debts found due from him to *C.D.* of [here insert address and description] a judgment debtor of *A.B.* [or as is sufficient to satisfy the judgment of the said *A.B.*]; and whereas default has been made in payment according to the said order; these are therefore [the same as in ordinary executions].

159.

ORDER TO SUSPEND ORDER OR JUDGMENT.

(9 & 10 Vict. c. 95. s. 105.)

It is ordered, that the judgment [or order] [or that the execution under the judgment [or order]] of this Court in this action, bearing date the day of 18 , be suspended until the day of 18 .

160.

ORDER FOR COSTS OF THE DAY WHERE RULE FOR A CERTIORARI OR PROHIBITION HAS NOT BEEN SERVED.

Whereas a rule [or summons] has been granted by [the High Court of Justice or a Judge thereof] requiring cause to be shewn why a writ of certiorari [or prohibition] should not issue in this action, and no order has been made by such Court [or Judge] respecting the costs in this Court :

And whereas a copy of such rule [or summons] has not been served on the Plaintiff [or Defendant] [or on the Registrar], according to section 40 of the County Courts Act, 1856 :

And whereas the Plaintiff [or Defendant] has on this day appeared at this Court to prosecute [or defend] this action.

It is ordered, that the Defendant [or Plaintiff] do pay the sum of £ for the Plaintiff's [or Defendant's] costs of the day, and it is ordered that the Defendant [or Plaintiff] do pay the same to the Registrar of the Court on the day of , 18 .

161.

ORDER FOR COSTS OF THE DAY WHERE A WRIT OF CERTIORARI OR PROHIBITION HAS NOT BEEN LODGED.

(19 & 20 Vict. c. 108. s. 41.)

Whereas a writ of certiorari [or prohibition] has been granted in this action by [the High Court of Justice or a Judge thereof], on the ex parte application of the Defendant [or Plaintiff], who has not lodged it with the Registrar of the Court [or has not given notice to the Plaintiff [or Defendant] that it has issued] two clear days before this day, being the day fixed for hearing this action :

And whereas the said [Court or Judge] has made no order respecting the costs of the action in this Court :

And whereas the Plaintiff [or Defendant]

has on this day appeared at this Court to prosecute [or defend] this action :

It is ordered, that the Defendant [or Plaintiff] do pay the sum of £ for the Plaintiff's [or Defendant's] costs of the day ; and it is ordered that the Defendant [or Plaintiff] do pay the same to the Registrar of the Court on the day of 18 .

162.

ORDER FOR A NEW TRIAL.

(9 & 10 Vict. c. 95. s. 89.)

It is ordered, that the judgment in this case, and all subsequent proceedings thereon, be set aside, and a new trial had between the parties on [set out the terms or conditions, if any, on which the order is made].

163.

NOTICE TO BE SENT WITH ALL WARRANTS OF EXECUTION AGAINST THE GOODS.

(Order XXV., Rule 11.)

Take notice, that the warrant of execution against your goods on the judgment obtained against you in this action is for the following amount :—

	£	s.	d.
Amount for which judgment was obtained			
Since paid by you into Court			
Remaining due on judgment			
Poundage for issuing this warrant			
Total amount to be levied			

The costs of keeping possession of such of your goods as may be seized is SIXPENCE IN THE POUND PER DAY ON THE VALUE OF SUCH GOODS not exceeding 10s. per day although the value may exceed 20l.

If you pay the amount to be levied within half an hour of the entry of the bailiff, you will not be required to pay to him any further sum than the amount directed to be levied as stated above.

If your goods are removed you will have to pay the appraisal fee as under mentioned.

Your goods are not to be sold until after the end of five days next following the day

on which they were seized, unless they be of a perishable nature, or at your request.

If your goods are sold, the following fees are chargeable for the appraisement and sale, and no others:—

For the appraisement SIXPENCE IN THE POUND on the value of the goods appraised, over and above the stamp duty.

For the sale, including advertisements, catalogues, sale, and commission, and delivery of the goods, ONE SHILLING IN THE POUND ON THE NET PRODUCE OF THE SALE.

To the High Bailiff of the said Court, and others the Bailiffs thereof.

	£	s.	d.
Amount for which judgment was obtained			
Paid into Court			
Remaining due			
Poundage for issuing this warrant			
Total amount to be levied . .			

164.

WARRANT OF EXECUTION AGAINST THE GOODS OF DEFENDANT.

(9 & 10 Vict. c. 95. ss. 94, 95.)

Whereas on the day of
18 , the Plaintiff obtained a judgment in this Court against the Defendant for the sum of £ for debt [or damages] and costs; and it was thereupon ordered by the Court that the Defendant should pay the same to the Registrar on the day of
[or by instalments of for every days]:

And whereas default has been made in payment according to the said order: These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the Defendant, wheresoever they may be found, within the district of this Court (except the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the Plaintiff under the said order, including the costs of this execution; and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the Defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the Registrar of this Court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court this
day of 18 .

By the Court,

Registrar of the Court.

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the said Defendant.

(19 & 20 Vict. c. 108. s. 46.)

Application was made to the Registrar for this warrant at minutes past the hour of in the noon of the
day of 18 .

165.

WARRANT OF EXECUTION AGAINST THE GOODS OF PLAINTIFF.

(9 & 10 Vict. c. 95. s. 94.)

Whereas at a Court holden at
on the day of 18 , it was ordered by the Court, that judgment should be entered for the defendant [or that judgment of nonsuit be entered], and that the Plaintiff should pay to the Registrar of the Court, on or before the day of the sum of £ for the Defendant's costs of suit:

And whereas default has been made in payment according to the said order: These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the Plaintiff, wheresoever they may be found within the district of this Court (excepting the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant being the amount due to the Defendant under the said judgment, including the costs of this execution; and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the Plaintiff which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and

executing the same, and to pay what you shall have so levied to the Registrar of the Court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court, this
day of 18 .
By the Court,

Registrar of the Court.
To the High Bailiff of the said Court,
and others the Bailiffs thereof.

	£	s.	d.
Costs adjudged			
Paid into Court			
Remaining due			
Poundage for issuing this } warrant }			
Total amount to be levied .			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the said Plaintiff.

(19 & 20 Vict. c. 108. s. 46.)

Application was made to the Registrar for this warrant at minutes past the hour of , in the noon of the day of 18 .

167.

ORDER UNDER THE FRIENDLY SOCIETIES AND OTHER ACTS.
(Order XLI.)

Upon hearing this action at a Court this day holden it is ordered that the Defendant do [*here insert the terms of the order made by the Court*]:
And it is further ordered, that [*recite terms of order*].

168.

ORDER FOR WARRANT OF EXECUTION TO ISSUE UNDER THE FRIENDLY SOCIETIES AND OTHER ACTS.
(Order XLI.)

Whereas at a Court holden at on the day of , 18 , it was ordered by the said Court [*here insert the terms of the order of the Court*]:
And it was then further ordered, that [*recite terms of order*].
And whereas it appears to the Court that the Defendant has not obeyed either of the said orders, although demand in that behalf was duly made upon him:
It is therefore ordered, that a warrant of execution issue for the said sum, being the amount of such penalty and the costs thereof.

166.

RECEIPT FOR MONEY LEVIED.

No.	18 .	In the County Court of	holden
No. of Plaintiff	}	at	
No. of Execution		No. of Plaintiff	18 .
Amount received		No. of Execution	
£		Received of the above-named	Plaintiff
		pounds	and
		shillings and	Defendant
			the sum of
			pence.
			R.S. (possession man).
		£ : : for	Bailiff.

169.

WARRANT OF EXECUTION AGAINST THE GOODS UNDER THE FRIENDLY SOCIETIES AND OTHER ACTS.

(Order XLI.)

Whereas at a Court holden at on the day of , 18 , it was ordered by the said Court, that [*here insert the terms of the order of the Court*]:

And it was then further ordered, that [*recite terms of order*].
And whereas the Defendant has not obeyed either of the said orders:
These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the Defendant, wheresoever they may be found within the district of this Court (excepting the wearing apparel and bedding of the Defendant or his family, and the tools and imple-

ments of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount of such penalty and costs, including the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the Defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the Registrar of the Court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court, this day of 18 .

By the Court,

Registrar of the Court.

To the High Bailiff of the said Court,
and others the Bailiffs thereof.

	£	s.	d.
Amount ordered to be paid			
Costs adjudged			
Poundage for issuing this warrant			
Total amount to be levied			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized unless they be of a perishable nature, or at the request of the said Defendant.

(19 & 20 Vict. c. 108. s. 46.)

Application was made to the Registrar for this warrant at _____ minutes past the hour of _____ in the _____ noon of the _____ day of 18 .

170.

NOTICE OF LEVY AND DETENTION OF PROCEEDS FOR 14 DAYS.

(Order II., Rule 32.)

Take notice that the warrant of execution issued against the goods of the Defendant has been duly executed, and that the proceeds thereof now left in my hands, after deduction of £ _____ for the costs of execution, amount to the sum of £ _____, which will be duly retained by me for fourteen days pursuant to the provisions of section 46 of the Bankruptcy Act, 1883.

High Bailiff.

To the Plaintiff.

171.

NOTICE OF RECEIVING ORDER.

(46 & 47 Vict. c. 52. s. 46. Order II., Rule 38.)

Take notice, that having received notice that a receiving order has been made under the Bankruptcy Act, 1883, against the Defendant, I have withdrawn from possession of the goods seized under the warrant of execution issued against the Defendant [and have delivered the same to the official receiver or trustee under the said order].

High Bailiff.

To the Plaintiff.

172.

HIGH BAILIFF'S WARRANT TO REGISTRAR OF FOREIGN COURT.

(9 & 10 Vict. c. 95. s. 104.)

Whereas the warrant of execution hereto annexed has been issued out of this Court against the goods and chattels of _____ :

And whereas the goods and chattels of _____ are out of the ordinary jurisdiction of this Court, and are [or is] believed to be within the jurisdiction of the County Court of _____ holden at _____ of which you are the Registrar :

[or, whereas the order of commitment hereto annexed has been made against _____

And whereas he is out of the ordinary jurisdiction of this Court, and is believed to be within the jurisdiction of the County Court of _____ holden at _____ :]

These are therefore to require you to cause the said warrant [or order] to be executed within the ordinary jurisdiction of the said last-mentioned County Court.

Dated this _____ day of _____ 18 .

High Bailiff of the County Court
of _____ holden at _____

To the Registrar of the County Court
of _____ holden at _____

173.

NOTICE OF NON-EXECUTION OF WARRANT.

(Order II., Rule 34.)

Take notice, that the warrant of execution [or order of commitment] in this action has not been executed within one calendar month from the day of its delivery to me for the following reasons (*state reasons*).

High Bailiff of the County Court
of _____ holden at _____

To the Registrar of the County Court
of _____ holden at _____

174.

RETURN AND CERTIFICATE FROM FOREIGN COURT.

(9 & 10 Vict. c. 95, s. 104; Order XXVIII. Rules 2, 3.)

A.B. v. C.D.

RETURN TO ABOVE WARRANT OF EXECUTION [or COMMITMENT] FROM THE HIGH BAILIFF OF
THE COUNTY COURT OF HOLDEN AT TO THE HIGH BAILIFF AT

No. of Plaintiff.
No. of Warrant.

	£	s.	d.	£	s.	d.
Gross amount levied or received—						
Payments in deduction						
Man in possession days, on £						
value of goods seized						
For appraisement fees on £						
Paid for stamp						
For fees of sale on £						
For rent to landlord						
Extra possession under claim days (actual costs)						
Costs of interpleader ordered by Court to be deducted out of the proceeds						
Net amount paid to the credit of the execution creditor						

I hereby certify that the above charges are correct, and that the sum of £ High Bailiff.
into Court this day of 18 was paid

Registrar.

175.

NOTICE TO HIGH BAILIFF OF FOREIGN COURT
OF COMPLAINT AGAINST HIM.

(Order II. Rule 26.)

Take notice, that, unless you shew cause to the contrary, His Honour the Judge of this Court will on the day of 18 , make an order directing you to pay to the Plaintiff the sum of £ as compensation for loss of time and expense incurred by him owing to your neglect to return the copy of the summons in this action within due time.

176.

NOTICE TO HIGH BAILIFF OF FOREIGN COURT
OF ORDER AGAINST HIM FOR NEGLECT.

Order II, Rule 26.

On the application of the above-named Plaintiff made the day of , and you not having shewn good cause to the

contrary, it is ordered that within days
of the service of this order upon you, you do
pay to me for the use of the said Plaintiff
the sum of £ as compensation for loss
of time and expense incurred by him owing
to your neglect to return to me the copy
summons herein.

Dated this of 18 .
Registrar.

To the High Bailiff,
County Court.

177.

SUMMONS UNDER SECTION 114 OF 9 & 10
VICT. C. 95, FOR ASSAULTING A BAILIFF
OF THE COURT WHILST IN THE EXECUTION
OF HIS DUTY.

In the County Court of _____ holden
at _____

In the Matter of a Complaint made by
C.D., of , one of the Bailiffs of the
County Court of , and section 114
of 9 & 10 Vict. c. 95.

To A.B., of

You are hereby summoned to appear at a County Court to be holden at _____ on the _____ day of _____ 18____, at o'clock in the forenoon, to answer a complaint made against you by C.D., one of the Bailiffs of the said Court, and to shew cause why an order should not be made against you under the 114th section of the County Courts Act, 1846, for payment of a sum not exceeding 5*l.*, for an assault committed by you on the _____ day of _____ upon the said Bailiff whilst in the execution of his duty as such Bailiff [and also for that you did on the same day rescue, or attempt to rescue, certain goods levied by the said Bailiff under process of this Court].

Dated this _____ day of _____

Registrar.

To be served personally ten clear days before the return day.

178.

NOTICE OF CLAIM TO GOODS TAKEN IN EXECUTION.

(Order XXVII. Rule 1.)

Take notice, that A.B. has claimed the goods [or certain goods] [*where only certain goods are claimed here enumerate them*] taken in execution by me under the warrant of execution issued in this action. If you admit the title of the said A.B. to the said goods, and give notice thereof to me by return of post, you will not be liable for any costs incurred after the receipt by me of your notice.

Dated, &c.

High Bailiff.

To the Plaintiff.

179.

NOTICE BY PLAINTIFF OF ADMISSION OF TITLE OF CLAIMANT.

(Order XXVII. Rule 1.)

Take notice, that I admit the title of A.B. to the goods seized by you under the execution issued under the judgment in this action.

Plaintiff.

To the High Bailiff.

180.

PARTICULARS OF CLAIM UNDER INTERPLEADER SUMMONS.

(Order XXVII. Rule 4.)

No. of Plaintiff.

In the County Court of _____ holden at _____.

Between A.B., Plaintiff,

and

C.D., Defendant.

Take notice, that I, E.F., of [20 Elizabeth Terrace, Islington, in the county of Middlesex, dealer in furniture], claim certain goods and chattels, to wit [or specified in the schedule hereunder written] taken in execution under process issuing out of this Court in this action, and mentioned in the interpleader summons, and that the grounds of my claim are that the said goods were assigned to me by an indenture dated the [28th day of May, 1850], and made between the said C.D., the Defendant of the one part, and me, the said E.F., the Claimant of the other part.

And further take notice that I claim the sum of 20*l.* from the said A.B., the Plaintiff, and the High Bailiff, for damages arising out of the said execution. And that the grounds of my claim are that they broke and entered my said house at Islington aforesaid, and that they there seized and took away the said goods and chattels under the said execution.

Dated, &c.

(Signed) E.F., Claimant.

To the Execution Creditor, and the High Bailiff of this Court.

181.

PARTICULARS OF CLAIM FOR RENT UNDER INTERPLEADER SUMMONS.

(Order XXVII. Rule 4.)

[Commence as above.]

Take notice, that C.D., the Defendant, is my tenant of [a certain house and premises] situate at _____ in the county of _____, and that the goods and chattels taken in execution under process issuing out of this Court in this action, and mentioned in the interpleader summons, were in and upon the said [house and premises], and that there was at the date of the said execution due to me from the said C.D. the sum of £ _____ for [one year's] rent of the said [house and premises], and that the same is still due and owing from the said C.D. to me, and that I claim payment of the said sum of £ _____ out of the proceeds of the said execution.

Dated this _____ day of _____

(Signed) E.F. [name, address, and description.]

To the Execution Creditor, and the High Bailiff of this Court.

182.

INTERPLEADER SUMMONS TO EXECUTION CREDITOR.

(80 & 31 Vict. c. 142. s. 31.)

[Same heading as in an ordinary Summons.]

Whereas *[here insert the name, address, and description of claimant, so far as is then known]* hath made a claim to *[certain goods and chattels [or moneys, &c.] taken in execution under process issuing out of this Court, at your instance] [or certain rent alleged to be due to him]*:

You are therefore hereby summoned to appear at a Court to be holden at
on the day of 18 , at the hour of
 in the noon, when the said claim will be adjudicated upon, and such order made thereupon as to the Court shall seem fit.

Dated this day of 18 .
 Registrar of the Court.

To the Execution Creditor.

NOTE.—*The Claimant is called upon to give the particulars of his claim, which you may inspect on application at the office of the Registrar of this Court, four days before the day of hearing.*

183.

INTERPLEADER SUMMONS TO A CLAIMANT SETTING UP A CLAIM TO THE GOODS OR THE PROCEEDS THEREOF.

(80 & 31 Vict. c. 142. s. 31.)

Name, address, and description of Claimant, you are hereby summoned to appear at a Court to be holden at on the
day of , 18 , at the hour of
in the noon, to support a claim made by you to certain goods and chattels *[or moneys, &c.]* taken in execution under process issued in this action at the instance of *[the Execution Creditor]*, and in default of your then establishing such claim the said goods and chattels will then be sold *[or the said moneys, &c. paid over]* according to the exigency of the said process; and take notice, that you are hereby required, five days before the said day, to deliver to the officer in charge of the said process, or leave at my office, particulars of the goods and chattels which *[or the proceeds whereof]* are claimed by you, and of the grounds of your claim; and in such particulars you shall set forth fully your name, address, and description; and take notice, that in the event of your not giving such particulars as aforesaid your claim will not be heard by the Court.

To *[the Claimant above named]*.

184.

INTERPLEADER SUMMONS TO A CLAIMANT SETTING UP A CLAIM TO RENT IN RESPECT OF THE PREMISES UPON WHICH THE EXECUTION WAS LEVIED.

(80 & 31 Vict. c. 142. s. 31.)

[Name, address, and description of claimant], you are hereby summoned to appear at a Court to be holden at on the
day of 18 , at the hour of
in the noon, to support a claim made by you to certain rent alleged by you to be due to you in respect of and issuing out of certain premises upon which certain goods and chattels were taken in execution under process of this Court in this action at the instance of *[the Execution Creditor]*; and in default of your then establishing such claim the said goods and chattels will then be sold, and the proceeds thereof paid over according to the exigency of the said process *[or, if such goods and chattels shall have been then sold, then the proceeds of such sale will be paid over according to the exigency of the said process]*; and take notice that you are hereby required, five days before the said day, to deliver to the officer in charge of the said process, or leave at my office, particulars of the amount of the rent claimed by you, and of the period for which and of the premises in respect of which you claim such rent, and of the grounds of your claim; and in such particulars you shall set forth fully your name, address, and description; and take notice, that in the event of your not giving such particulars as aforesaid, your claim will not be heard by the Court.

To *[the Claimant above named]*.

185.

INTERPLEADER SUMMONS TO AN EXECUTION CREDITOR, AND TO THE HIGH BAILIFF WHERE CLAIMANT CLAIMS DAMAGES AS WELL AS THE GOODS SEIZED.

(80 & 31 Vict. c. 142. s. 31.)

Whereas *E.F.* of * hath made a claim to certain goods and chattels *[or moneys, &c.]* taken in execution under process issuing out of this Court at your instance, and hath also claimed from you and from the High Bailiff of this Court the sum of £ for damages arising out of the said execution:

You and the High Bailiff are therefore hereby summoned to appear at a Court to be holden at the day of
18 , at the hour of in the noon,
when the said claim, both as to the said

* Insert residence and description of claimant.

goods and chattels, and as to the said damages, will be adjudicated upon, and such order made thereupon as to the Court shall seem fit.

To the Execution Creditor, and to the High Bailiff of this Court.

NOTE.—*The Claimant is called upon to give the particulars of his claim, which you may inspect, on application at the office of the Registrar of this Court, four days before the day of hearing.*

186.

INTERPLEADER SUMMONS TO A CLAIMANT SETTING UP A CLAIM TO DAMAGES, AS WELL TO THE GOODS OR THE PROCEEDS THEREOF.

(30 & 31 Vict. c. 142. s. 31.)

[*Name, address, and description of claimant*], you are hereby summoned to appear at a Court to be holden at _____ on the day of _____ 18____, at the hour of _____ in the _____ noon, to support a claim made by you to certain goods and chattels [or moneys, &c.] taken in execution under process issued in this action at the instance of [*the Execution Creditor*], and also for damages arising out of such execution, and, in default of your then establishing such claim, the said goods and chattels will then be sold [or the said moneys paid over], according to the exigency of the said process; and take notice that you are hereby required five days before the said day to deliver to the officer in charge of the said process, or leave at my office, particulars of the goods and chattels which [or the proceeds thereof] are claimed by you, and of the grounds of your claim, and also of the grounds upon which you claim damages, and you must also state in such particulars the amount of the damages you claim, and the party from whom you claim the same, and in such particulars you shall set forth fully your name, address, and description; and take notice that in the event of your not giving such particulars as aforesaid your claim will not be heard by the Court.

To [*the Claimant above named*].

187.

ORDER ON AN INTERPLEADER SUMMONS WHERE THE CLAIM IS NOT ESTABLISHED.

(30 & 31 Vict. c. 142. s. 31.)

Between A.B., Plaintiff,
and
C.D., Defendant,
and
E.F., Claimant.

It is this day adjudged touching the claim

of E.F. to certain goods and chattels [or moneys, &c.] taken in execution in this action [or to certain rent alleged to be due to him], that the said goods and chattels [or moneys, &c. or part thereof, to wit, &c., specifying them] are the property of the execution debtor [or that there is no rent due to the said E.F.].

And it is ordered, that the costs of this proceeding, amounting to _____, be paid by the said E.F. to the Registrar of this Court on or before the _____ day of _____, for the use of the Execution Creditor.

188.

ORDER ON AN INTERPLEADER SUMMONS WHERE THE CLAIM IS ESTABLISHED.

(30 & 31 Vict. c. 142. s. 31.)

It is this day adjudged, touching the claim of E.F. to certain goods and chattels [or moneys, &c.] taken in execution in this action [or to certain rent alleged to be due to him], that the said goods and chattels [or moneys, &c. or part thereof, to wit, specifying them] are his property [or that rent to the amount of £ _____ is due to him].

And it is ordered that the said [*Execution Creditor*] do pay to the Registrar of this Court, for the use of the said E.F., £ _____ for costs, on or before the _____ day of _____ 18____.

189.

ORDER ON AN INTERPLEADER SUMMONS WHERE BOTH GOODS AND DAMAGES ARE CLAIMED, AND THE CLAIM TO NEITHER IS ESTABLISHED.

(30 & 31 Vict. c. 142. s. 31.)

In the County Court of _____	No. of Plaintiff.
(Seal.)	holden at _____
Between A.B., ...	Plaintiff,
and	
C.D., ...	Defendant.
And between E.F., ...	Claimant,
and	

The Execution Creditor and the High Bailiff of this Court . Respondents.

It is this day adjudged touching the claim of E.F. to certain goods and chattels [or moneys, &c.] taken in execution in this action, and for damages arising out of the said execution, and which E.F. claims against [*the Execution Creditor*] and the High Bailiff of this Court, that the said goods and chattels [or moneys, &c., or part thereof, describe the part] are the property of [*the Execution Debtor*], and that the said E.F. is

not entitled to recover any damages from either [*the Execution Creditor*] or the High Bailiff of this Court:

And it is ordered that the costs of this proceeding, amounting to £ , be paid by the said *E.F.* to the Registrar of this Court on or before the day of 18 , as to £ , part thereof, for the use of the Execution Creditor, and as to £ , the residue thereof, for the use of the High Bailiff of this Court.

190.

ORDER ON AN INTERPLEADER SUMMONS WHERE BOTH GOODS AND DAMAGES ARE CLAIMED, AND THE CLAIM TO BOTH IS ESTABLISHED.

(30 & 31 Vict. c. 142. s. 31.)

[*Same heading as No. 189.*]

It is this day adjudged, touching the claim of *E.F.* to certain goods and chattels [*or moneys, &c.*] taken in execution in this action, and for damages arising out of the said execution,* and which *E.F.* claimed against the High Bailiff of this Court, that the said goods and chattels [*or moneys, &c.*, or part thereof, *specifying them*] are the property of *E.F.*, and that *E.F.* is entitled to recover the sum of £ for damages arising out of the said executions against the High Bailiff of this Court:

And it is ordered that the High Bailiff of this Court do pay the said sum of for damages, and the sum of £ for costs, and the Execution Creditor the sum of £ for costs, to the Registrar of this Court, for the use of the said *E.F.*, on or before day of 18 .

To the Execution Creditor and the High Bailiff of this Court.

* If the claim for damages be against the Execution Creditor as well as against the High Bailiff so state it.

191.

ORDER ON AN INTERPLEADER SUMMONS WHERE BOTH GOODS AND DAMAGES ARE CLAIMED AND THE CLAIM TO THE GOODS IS, BUT THAT TO DAMAGES IS NOT, ESTABLISHED.

(30 & 31 Vict. c. 142. s. 31.)

[*Same heading as No. 189.*]

It is this day adjudged, touching the claim of *E.F.* to certain goods and chattels [*or moneys, &c.*] taken in execution in this action, and for damages arising out of the said execution, and which *E.F.* claims against the Execution Creditor and the High Bailiff of

this Court, that the said goods and chattels [*or moneys, &c.*, or part thereof, *specifying them*] are the property of the said *E.F.*, but that the said *E.F.* is not entitled to recover any damages from either the Execution Creditor or the High Bailiff of this Court:

And it is ordered that the Execution Creditor do pay to the Registrar of this Court, on or before the day of 18 , the sum of for costs for the use of the said *E.F.*, and that the said *E.F.* do pay to the Registrar of this Court, on or before the day of 18 , the sum of £ for costs, for the use of the High Bailiff of this Court.

To the Execution Creditor and to *E.F.* the Claimant.

192.

ORDER ON AN INTERPLEADER SUMMONS WHERE BOTH GOODS AND DAMAGES ARE CLAIMED AND THE CLAIM TO THE GOODS IS NOT, BUT THE CLAIM TO DAMAGES IS, ESTABLISHED.

(30 & 31 Vict. c. 142. s. 31.)

[*Same heading as No. 189.*]

It is this day adjudged, touching the claim of *E.F.* to certain goods and chattels [*or moneys, &c.*] taken in execution in this action, and for damages arising out of the said execution, and which *E.F.* claims against the Execution Creditor and the High Bailiff of this Court, that the said goods and chattels [*or moneys, &c.*] are the property of the Execution Debtor, and that the said *E.F.* is entitled to recover £ for damages from the High Bailiff of this Court, but not any damages from the Execution Creditor:

And it is ordered that the said *E.F.* do pay to the Registrar of this Court on or before the day of , 18 , the sum of £ for costs, for the use of the Execution Creditor, and that the High Bailiff of this Court do pay to the Registrar of this Court, on or before the day of , 18 , the sum of £ for costs, for the use of the said *E.F.*

To *E.F.* the Claimant and the High Bailiff.

193.

CLAIM OF AN EXECUTION CREDITOR FOR DAMAGES FROM A HIGH BAILIFF.

(30 & 31 Vict. c. 142. s. 31.)

Take notice that I the Execution Creditor claim the sum of £ from you the

the use of *E.F.*, and that *E.F.* do pay to the Registrar of this Court the sum of £ for costs for the use of the High Bailiff, on or before the day of , 18 .
To , the Execution Creditor, and to *E.F.*

197.

ORDER ON AN INTERPLEADER SUMMONS WHERE BOTH GOODS AND DAMAGES ARE CLAIMED, AND MONEY IS PAID INTO COURT IN RESPECT OF THE LATTER, AND THE CLAIM TO THE GOODS IS ESTABLISHED, AND THE MONEY PAID INTO COURT IS ADJUDGED INSUFFICIENT.

(80 & 31 Vict. c. 142. s. 31.)

[Same heading as No. 194.]

It is this day adjudged, touching the claim of *E.F.* to certain goods and chattels [or moneys, &c.] taken in execution in this action, and for damages arising out of the said execution, and which *E.F.* claims against the High Bailiff, and in respect of which damages has paid into Court the sum of £ , that the said goods and chattels [or moneys, &c.] are the property of the said *E.F.*, and that the said sum of £ paid into Court is not sufficient to satisfy the damages arising out of the said execution, and that the said *E.F.* is entitled to recover the further sum of £ for damages from the High Bailiff.

And it is ordered that the Execution Creditor do pay to the Registrar of this Court, on or before the day of , 18 , the sum of £ for costs for the use of the said *E.F.*, and that the High Bailiff do pay to the Registrar of this Court, on or before the last-mentioned day, the said further sum of £ for damages, and also the sum of £ for costs, for the use of the said *E.F.*

To the Execution Creditor and the High Bailiff.

198.

ORDER ON AN INTERPLEADER SUMMONS BY AN EXECUTION CREDITOR AGAINST A HIGH BAILIFF FOR DAMAGES, AND WHEN THE HIGH BAILIFF PAYS MONEY INTO COURT.

(80 & 31 Vict. c. 142. s. 31.)

[Same heading as No. 194.]

It is this day adjudged, touching the claim of , the Execution Creditor in this action against the High Bailiff of this Court for damages arising out of an execution in this action, in which process issued from this

Court at the instance of the said , the Execution Creditor, directing the said High Bailiff of this Court to levy the sum of £ of and from the goods and chattels of [the Execution Debtor], and in respect of which damages the High Bailiff hath paid into Court the sum of £ , that the sum paid into Court is sufficient to satisfy all damages arising out of the said execution [or that the sum paid into Court is not sufficient to satisfy the damages arising out of the said execution, and that the said , the Execution Creditor, is entitled to recover the further sum of £ for damages from the High Bailiff].

And it is ordered that the said , the Execution Creditor, do pay to the Registrar of this Court, on or before the day of , 18 , the sum of £ for costs for the use of the High Bailiff [or that the High Bailiff do pay to the Registrar of this Court, on or before the day of , 18 , the said further sum of £ for damages, and also the sum of £ for costs, for the use of , the Execution Creditor].

To , the Execution Creditor.
[or To the High Bailiff of this Court.]

199.

WARRANT OF EXECUTION AGAINST THE GOODS OF CLAIMANT.

(80 & 31 Vict. c. 142. s. 31.)

Whereas at a Court holden at on the day of , 18 , the Plaintiff, by the judgment of the said Court, recovered against the Defendant the sum of £ for debt [or damages] and for costs :

And whereas the Defendant, by an order of the Court, was ordered to pay the same to the Registrar of the Court :

And whereas default having been made in payment according to the said order, an execution issued against the goods of the Defendant, under which certain goods and chattels were seized, in respect of which *E.F.* of, &c. made claim, and which claim was heard and decided upon at a Court held at on the day of , 18 , and it was adjudged that the goods so seized under the said execution were the property of the defendant [or that certain rent alleged by the said *E.F.* of, &c. to be due to him was not so due] :

And it was ordered that the costs of that

proceeding, amounting to the sum of £ , should be paid by the Claimant to the Registrar of the said Court, on or before the day of , 18 :

And whereas default has been made in payment according to the said last mentioned order :

These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the said Claimant wheresoever they may be found within the district of this Court (excepting the wearing apparel and bedding of the said Claimant or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the Plaintiff under the said order, including the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the Claimant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the Registrar of the Court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court this day of , 18 .

By the Court,

Registrar of the Court.

To the High Bailiff of the said Court, and others the Bailiffs thereof.

Costs
Poundage for issuing this warrant

Total amount to be levied .

£	s.	d.

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the said claimant.

(19 & 20 Vict. c. 108. s. 46.)

Application was made to the Registrar for this warrant at minutes past the hour of in the noon of the day of , 18 .

200.

JUDGMENT AGAINST AN EXECUTOR WHO HAS WASTED ASSETS.

(Order XXX., Rule 4.)

No. of Plaintiff.

(Seal.)

In the County Court of holden at

Between A.B., Plaintiff,

and

C.D., Executor [or Administrator] of deceased, Defendant.

Upon hearing this cause at a Court this day holden, it is adjudged that the Plaintiff do recover against the Defendant the sum of £ for and £ for costs :

And it is ordered that the Defendant do pay the same to the Registrar of this Court, on or before the day of 18 .

It is also adjudged that the Defendant, being the executor [or administrator] of the said deceased, has made away with, wasted, and put to his own use divers goods and chattels [or moneys, *as the case may be*], to the amount of the said sum, which were the property of the said deceased, and which came to the hands of the Defendant as executor [or administrator] as aforesaid, to be administered :

Wherefore it is ordered, that if the Defendant shall make default in the payment of the said sum, the same shall be levied by distress and sale of the goods and chattels which were of the said deceased, and which came to the hands of the Defendant as executor [or administrator] if the Defendant has so much thereof in his hands to be administered, and if he has not, then that the said sum shall be levied of the proper goods and chattels of the Defendant.

201.

JUDGMENT AGAINST AN EXECUTOR OR ADMINISTRATOR WHO ADMITS HIS REPRESENTATIVE CHARACTER AND DENIES THE DEMAND.

(Order XXX., Rule 5.)

Upon hearing this action at a Court this day holden, it is adjudged that the Plaintiff do recover against the Defendant the sum of £ for and £ for costs :

And it is ordered that the Defendant do pay the same to the Registrar of this Court on or before the day of 18 .

And the Defendant having admitted his representative character, but denied the Plaintiff's demand, and the Plaintiff having proved the same, it is further ordered, that if the Defendant shall make default in payment of

the said sums, the same shall be levied as follows: The sum of £ [the debt or damage and costs] of the goods and chattels which were of the said deceased, and which came to the hands of the Defendant as executor [or administrator], if the Defendant has so much thereof in his hands to be administered; and if he has not, then that the sum of £ [the costs] be levied upon the proper goods of the Defendant.

202.

JUDGMENT AGAINST AN EXECUTOR OR ADMINISTRATOR WHERE HE ADMITS HIS REPRESENTATIVE CHARACTER, BUT DENIES THE DEMAND, AND ALLEGES TOTAL OR PARTIAL ADMINISTRATION OF ASSETS, AND THE PLAINTIFF PROVES HIS DEMAND, AND THE DEFENDANT PROVES ADMINISTRATION.

(Order XXX., Rule 6.)

Upon hearing this action at a Court this day holden, it is adjudged that the Plaintiff do recover against the Defendant the sum of £ for and £ for costs:

And it is ordered that the Defendant do pay the same to the Registrar of this Court, on or before the day of 18 .

And the defendant having admitted his representative character, but denied the Plaintiff's demand, and having also alleged a total [or partial] administration of the goods of the said deceased, which came to the hands of the Defendant as executor [or administrator] to be administered, it appears to the Court that the Plaintiff has proved to the Court his demand, and also that the Defendant has proved the administration alleged:

Wherefore it is ordered that in default of such payment the sum of £ , being the costs incurred by the Plaintiff in proving his demand, shall be levied on the goods and chattels which were of the said deceased, and which came to the hands of the Defendant as executor [or administrator], if the Defendant has so much thereof in his hands, and if he has not, then that it shall be levied of the proper goods and chattels of the Defendant, and as to the sum of £ the Plaintiff's demand, that it be levied of the goods and chattels of the said deceased which hereafter shall come to the hands of the Defendant as executor [or administrator] as aforesaid to be administered.

And it is further ordered, that the Plaintiff do pay to the Registrar of the Court on or before the day of , 18 , the sum of £ being the costs incurred by the Defendant in proving the administration alleged.

[N.B.—If the defendant is shewn to have

some assets, the judgment must be for that amount *de bonis testatoris*, and for the residue *quando acciderint*.]

203.

JUDGMENT AGAINST AN EXECUTOR OR ADMINISTRATOR WHERE THE DEFENDANT ADMITS HIS REPRESENTATIVE CHARACTER, BUT DENIES THE DEMAND, AND ALLEGES TOTAL OR PARTIAL ADMINISTRATION OF ASSETS, AND THE PLAINTIFF PROVES HIS DEMAND, AND THE DEFENDANT DOES NOT PROVE THE ADMINISTRATION.

(Order XXX., Rule 7.)

Upon hearing this action at a Court this day holden, it is adjudged that the Plaintiff do recover against the Defendant the sum of £ for and £ for costs:

And it is ordered that the Defendant do pay the same to the Registrar of this Court on or before the day of 18 .

And the Defendant having admitted his representative character, but denied the Plaintiff's demand, and having also alleged a total [or partial] administration of the goods of the said deceased, which came to the hands of the Defendant as executor [or administrator] to be administered, it appears to the Court that the Plaintiff has proved to the Court his demand and also that the Defendant has not proved the administration alleged.

And it is further ordered that if the Defendant shall make default in payment of the said sum, the same shall be levied as follows: The sum of £ [debt and costs] of the goods and chattels which were of the said deceased, and which came to the Defendant as aforesaid if the demand* has so much thereof in his hands to be administered; and if he has not, then that the residue of the sum of £ [debt] be levied of the goods and chattels of the said deceased which hereafter shall come to the hands of the Defendant as executor [or administrator] as aforesaid to be administered: and that the sum of £ [the costs] be levied upon the proper goods of the Defendant.

204.

JUDGMENT AGAINST AN EXECUTOR OR ADMINISTRATOR WHO ADMITS HIS REPRESENTATIVE CHARACTER AND THE PLAINTIFF'S DEMAND, BUT ALLEGES A TOTAL OR PARTIAL ADMINISTRATION OF ASSETS, AND PROVES THE ADMINISTRATION.

(Order XXX., Rule 8.)

Upon hearing this action at a Court this day holden, it is adjudged that the Plaintiff

* [Sic: query "defendant."]

do recover against the Defendant the sum of £ for , and it is ordered, that the Defendant do pay the same to the Registrar of this Court on or before the day of , 18 .

And the Defendant having admitted his representative character and also the Plaintiff's demand, and having alleged a total [or partial] administration of the goods of the said deceased, which came to the hands of the Defendant as executor [or administrator] to be administered, it appears to the Court that the Defendant has proved to the Court the administration alleged:

Wherefore it is ordered that in default of such payment the said sum of £ shall be levied of the goods and chattels of the said deceased which hereafter shall come to the hands of the Defendant as executor [or administrator] as aforesaid to be administered.

And it is further ordered that the Plaintiff do pay to the Registrar of this Court, on or before the day of , 18 , the sum of £ , being the cost incurred by the Defendant in proving the administration alleged.

205.

JUDGMENT AGAINST AN EXECUTOR OR ADMINISTRATOR WHO ADMITS HIS REPRESENTATIVE CHARACTER AND THE PLAINTIFF'S DEMAND, BUT ALLEGES A TOTAL OR PARTIAL ADMINISTRATION OF ASSETS, AND DOES NOT PROVE THE ADMINISTRATION.

(Order XXX., Rule 9.)

Upon hearing this action at a Court this day holden, it is adjudged that the Plaintiff do recover against the Defendant the sum of £ for .

And it is ordered that the Defendant do pay the same to the Registrar of this Court at on or before the day of , 18 .

And the Defendant having admitted his representative character, and also the Plaintiff's demand, and having alleged a total [or partial] administration of the goods of the said deceased which came to the hands of the Defendant as executor [or administrator] to be administered, it appears to the Court that the Defendant has not proved to the Court the administration alleged.

And it is further ordered that if the Defendant shall make default in payment of the said sum, the same shall be levied as follows: The sum of £ [debt and costs] of the goods and chattels which were of the

said deceased, and which came to the Defendant as aforesaid, if the Defendant has so much thereof in his hands to be administered; and if he has not, then that the residue of the sum of £ [debt] be levied of the goods and chattels of the said deceased, which hereafter shall come to the hands of the Defendant as executor [or administrator] as aforesaid to be administered; and that the sum of £ [the costs] be levied upon the proper goods of the Defendant.

206.

SUMMONS TO AN EXECUTOR OF PLAINTIFF'S INTENTION TO APPLY TO THE COURT WHERE ASSETS HAVE COME TO DEFENDANT'S HANDS SINCE JUDGMENT.

(Order XXX. Rule 10.)

No. of Plaintiff.

In the County Court of
holden at

(Seal.)

Between A.B. Plaintiff.

[Address.]

[Description.]

and

C.D., Executor [or Administrator] of deceased,
Defendant.

[Address.]

[Description.]

The Plaintiff, having learnt that property of the deceased has come to your (the Defendant's) hands as executor [or administrator] since the judgment herein to be administered [and that you have withholden and wasted the same], intends to apply to the Court to be holden on the day of 18 , at the hour of in the noon, for an order that the debt [or damages] and costs shall be levied of the goods and chattels of the said deceased, if you have so much thereof to be administered [and that if you have not, then that it shall be levied of your proper goods and chattels], and that the costs be levied of your proper goods and chattels.

You are therefore hereby summoned to appear at the said Court at the time and place aforesaid, to answer touching the matters aforesaid.

To the Executor or Administrator
of the deceased.

207.

WARRANT OF EXECUTION AGAINST THE
GOODS OF A TESTATOR.

Whereas at a Court holden at _____
on the _____ day of _____ 18____, the
Plaintiff obtained a judgment against the
Defendant, as executor [or administrator] of
the said deceased, for _____ the sum of
_____ for _____ due and owing to
the Plaintiff by the said deceased in his life-
time, and the sum of _____ for costs of
suit:

And thereupon it was ordered by the Court
that the Defendant should pay the same to
the Registrar of the Court, on or before the
day of _____ 18____ [or by instal-
ments of _____ for every
days]:

And whereas default had been made in
payment according to the said order:

These are therefore to require and order
you forthwith to make and levy by distress
and sale of the goods and chattels which were
the property of the said deceased in his lifetime,
in the hands of the Defendant to be adminis-
tered, wheresoever they may be found within
the district of this Court (excepting the wear-
ing apparel and bedding of him or his family,
and the tools and implements of his trade, if
any, to the value of five pounds), the sum
stated at the foot of this warrant, being the
amount due to the Plaintiff under the said
order, including the costs of this execution,
and also to seize and take any money or bank
notes (whether of the Bank of England or of
any other bank), and any cheques, bills of
exchange, promissory notes, bonds, special-
ties, or securities for money, which were the
property of the said deceased in his lifetime,
which may there be found, or such part or so
much thereof as may be sufficient to satisfy
this execution, and the costs of making and
executing the same, if the Defendant hath so
much thereof in his hands to be administered,
and if he hath not so much thereof in his
hands to be administered, then that you make
and levy of the proper goods and chattels,
money or bank notes (whether of the Bank
of England or of any other bank), and any
cheques, bills of exchange, promissory notes,
bonds, specialties, or securities for money of
the Defendant, the sum of _____ for the
costs and charges first above mentioned, and
the costs of this execution and of levying the
same, and to pay what you shall have so
levied to the Registrar of this Court, and
make return of what you have done under
this warrant immediately upon the execution
thereof.

Given under the seal of the Court this
day of _____ 18____.

By the Court,

Registrar of the Court.

To the High Bailiff of the said Court,
and others the Bailiffs thereof.

	£	s.	d.
Debt or damages adjudged			
Costs			
Paid into Court			
Remaining due			
Poundage for issuing this warrant			
Total amount to be levied			

(19 & 20 Vict. c. 108. s. 46.)

NOTICE.—*The goods and chattels are not
to be sold until after the end of five days
next following the day on which they were
seized, unless they be of a perishable nature,
or at the request of the Defendant.*

Application was made to the Registrar for
this warrant at _____ minutes past the hour
of _____ in the noon of the
day of _____ 18____.

[Warrants of execution upon the Judg-
ments before given may be drawn from this
form, altered accordingly from those forms.]

208.

JUDGMENT AGAINST AN EXECUTOR ON A
DEVASTAVIT SINCE JUDGMENT.

(Order XXX. Rule 10.)

Upon hearing the Plaintiff's application in
this action at a Court this day holden, it is
adjudged that property of _____ deceased
has come to the hands of the Defendant, as
his executor [or administrator] since the judg-
ment recovered herein, to be administered,
and that the Defendant has wasted the same
property, whereby the judgment recovered
herein remains unsatisfied. It is therefore
ordered that the Defendant do pay the sum
of £ _____ recovered by [or remaining due
upon] the judgment, together with the sum
of £ _____, the costs of this order, to the
Registrar of this Court on or before [as the
case may be].

And it is further adjudged that if the De-
fendant make default in payment thereof an
execution shall issue to make and levy the
above-mentioned sums of the goods and
chattels of the said deceased, if the Defen-
dant has so much thereof in his hands to be
administered, and if he has not, then to be
made and levied of the proper goods and
chattels of the Defendant.

200.

ORDER OF REFERENCE.

(9 & 10 Vict. c. 95. s. 77; Order XX. Rule 1.)

By the consent of the Plaintiff and Defendant, it is ordered that all matters in difference in this action [and all other matters within the jurisdiction of this Court in difference between the said parties] be referred to of , whose award, to be

made or given on or before the day of 18 , shall be entered as the judgment in this action; and it is further ordered, that the time for making or giving such award may be from time to time enlarged by the Court, in his discretion, for such time as it shall, by indorsement to be made on this order, direct; and that the said award, when made or given, may be referred back again to the said arbitrator at the like discretion of the Court without the further consent of the said parties, and in case either of the said parties shall neglect or refuse to attend any appointment to be made by the said arbitrator for proceeding under this order, after two days' notice thereof in writing shall have been given to him by serving the same personally or by leaving it at his last or usual place of abode, the said arbitrator shall be at liberty to proceed ex parte on the matters of the said reference, and his certificate shall be as valid as if both the said parties had duly attended before him. And it is further ordered, that the costs of the said reference shall be in the discretion of the arbitrator, and that the costs of the action shall abide the event; and it is lastly ordered, that the submission to arbitration shall not be revocable by either party.

210.

SUMMONS FOR RECOVERY OF POSSESSION AGAINST TENANT OR OTHER PERSON HOLDING OVER.

(19 & 20 Vict. c. 108. ss. 50, 51; Order V. Rule 3.

[Heading as in Form 11.]

[* Issued "by leave of the Court," or "by leave of the Registrar."]

You are hereby summoned to appear at a County Court to be holden at on the day of 18 at the hour of in the noon, to answer the Plaintiff, wherefore you neglect or refuse to deliver up to him possession of a certain [messuage, with appurtenances, or part of a house, &c., or, as the case may be], situate at

* Insert this when necessary.

And take notice, that the Plaintiff claims of you for rent [or mesne profits] [or for rent and mesne profits] the sum of for a period from the day of 18 to the day of 18 .

And further take notice, if you do not appear at the said Court, and shew cause why you do not deliver up possession as aforesaid, the Court may order that possession of the said premises be given by you to the Plaintiff forthwith, or on or before such day as it shall name, and that if such order be made and be not obeyed a warrant may issue to give possession to the Plaintiff.

Dated the day of 18 ,
Registrar of the Court.
To the Defendant.

	£	s.	d.
Costs of this summons	:	:	:
Claim for	:	:	:

At bottom of Summons.

TAKE NOTICE.—If the Plaintiff in this action be not your immediate landlord, you must upon your being served with this summons, or if this summons shall come to your knowledge, forthwith give notice thereof to your IMMEDIATE LANDLORD, and if you do not give such Notice you will be liable, under section 53 of the County Courts Act, 1856, 19 & 20 Vict. c. 108, to forfeit to your immediate landlord THREE YEARS' RACKRENT of the premises held by you of him, in respect of which the summons shall have issued.

211.

SUMMONS FOR RECOVERY OF POSSESSION OF A TENEMENT FOR NONPAYMENT OF RENT.
(19 & 20 Vict. c. 108. s. 52; Order V., Rule 3.)
(Heading as in Form 11.)

You are hereby summoned to appear at a Court to be holden at on the day of 18 , at the hour of in the noon, to answer the Plaintiff why possession of a certain situate at should not be given up to the Plaintiff, by reason of the rent payable in respect thereof by you being half a year in arrear, and the Plaintiff having right by law to re-enter for the nonpayment thereof.

If you shall pay to the Registrar the rent in arrear, and the costs of this action, as stated at the foot of the summons, five clear days before the day you are required to appear to this summons, this action will cease.

And take notice, that if you do not pay such rent in arrear and costs, or appear at the said Court, and shew cause why possession of the said should not be recovered against you, you may be ordered by

the Court to give possession of such premises to the Plaintiff, and that if such order be not obeyed a warrant may issue to give possession to the Plaintiff.

Dated this day of , 18 .
 Registrar of this Court.

Costs of this summons : :
 £ s. d.

At bottom of Summons.

TAKE NOTICE.—If the Plaintiff in this action be not your immediate landlord you MUST, upon being served with this summons, or if this summons shall come to your KNOWLEDGE, forthwith GIVE NOTICE thereof to your IMMEDIATE LANDLORD, and if you do NOT give such NOTICE you will be liable, under sect. 53 of the County Courts Act, 1856, 19 & 20 Vict. c. 108, to forfeit to your immediate landlord THREE YEARS' RACKRENT of the premises held by you of him, in respect of which the summons shall have issued.

212.

ORDER FOR RECOVERY OF POSSESSION OF TENEMENT FOR NONPAYMENT OF RENT.

(19 & 20 Vict. c. 108. s. 52; Order V., Rule 3.)

Upon the hearing of this action at a Court holden this day, it is ordered that the Defendant do give to the Plaintiff possession of a certain situate at on or before the day of , 18 , unless the rent in arrear for the said premises, amounting to £ , and the costs of this action be paid into Court before such day of , 18 .

And it is adjudged that the Plaintiff do recover against the Defendant the sum of £ for costs of this action.

And it is ordered that the Defendant do pay the same to the Registrar of this Court on or before the day of , 18 .

To the Defendant.

TAKE NOTICE.—That if you do not pay the said rent and costs, or give such possession, a warrant may issue requiring the bailiff of the Court to give possession of the said to the Plaintiff, and to levy the sum of £ above mentioned, together with further costs.

Hours of attendance, &c.

213.

ORDER FOR RECOVERY OF POSSESSION OF TENEMENT AGAINST PERSON HOLDING OVER.

(19 & 20 Vict. c. 108. ss. 50, 51; Order V., Rule 3.)

Upon the hearing of this action at a Court holden this day, it is ordered that the Defendant do give to the Plaintiff possession of a

certain house [or *messuages with appurtenances*, or *part of certain house*, or, as the case may be], situate at forthwith [or on the day of], and it is adjudged that the Plaintiff do recover against the Defendant the sum of £ for rent [or *mesne profits*] [or for rent and *mesne profits*] and £ costs.

And it is ordered, that the Defendant do pay to the Registrar of the Court the sum [or sums] above mentioned on or before the day of , 18 .

To the Defendant.

TAKE NOTICE.—That if you do not give such possession a warrant may issue requiring the bailiff of the Court to give possession of the said to the Plaintiff, and to levy the sum £ above mentioned, together with further costs.

214.

WARRANT FOR RECOVERY OF POSSESSION OF TENEMENT.

(19 & 20 Vict. c. 108. ss. 50–52; Order V., Rule 3.)

Whereas at a Court holden at on the day of , 18 , it was ordered by the Court, that the Defendant should give the Plaintiff possession of a certain [as in summons] situate at [and that the Plaintiff should recover against the Defendant] the sum of £ for rent [or *mesne profits*] [or rent and *mesne profits*] and costs :

And whereas the Defendant has not obeyed the said order :

These are therefore to authorise and require you to forthwith give possession of the said hereinbefore mentioned premises to the Plaintiff :

And these are therefore further to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the Defendant, wheresoever they may be found within the district of this Court (excepting the wearing apparel and bedding of the Defendant or his family, and the tools and implements of his trade, if any, to the value of five pounds), the said sum, and the costs of this warrant and execution ; and also to seize and take any money or bank-notes (whether of the Bank of England or any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money, of the Defendant which may be there found, or such part or so much thereof as may be sufficient to satisfy this execution and the costs of making and executing the same and to pay the amount so levied to the Registrar of this Court, and

make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court, this day of _____, 18 .

By the Court,

Registrar of the Court.

To the High Bailiff of the said Court.

	£	s.	d.
Rent [or mesne profits] [or rent and mesne profits] .			
Costs			
Poundage for issuing this warrant			
Total amount to be levied .			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the said Defendant.

Application was made to the Registrar for this warrant at _____ minutes past the hour of _____ in the noon of the _____ day of _____, 18 .

215.

SUMMONS IN ACTION FOR RECOVERY OF LAND (EJECTMENT).

(30 & 31 Vict. c. 142. s. 11; Order V., Rule 3.)

(*Heading as in Form 11.*)

You, the above-named Defendants, and all persons entitled to defend the possession of the property described in the statement hereunto annexed, situated in the parish within the district of this Court, to the possession whereof the above-named Plaintiffs, some or one of them, claim to be [or to have been on and since the _____ day of _____, 18] entitled, and to eject all other persons therefrom, are hereby summoned to appear at a County Court to be holden at _____ on the _____ day of _____, 18 , at the hour of _____ in the forenoon, to defend the said property, or such part thereof as you may be advised.

And take notice that unless you appear judgment may be given, and you turned out of possession.

Dated the _____ day of _____, 18 .
Registrar of the Court.

To the Defendants.

	£	s.	d.
Costs of this summons			
Solicitor's costs			
Total			

At bottom of Summons.

TAKE NOTICE.—If you, the Defendants, or any of you, be only tenants of the property or some part thereof, you MUST, upon being served with this summons, or if this summons shall come to your KNOWLEDGE, forthwith GIVE NOTICE thereof to your IMMEDIATE landlord or his bailiff or receiver, and if you do not give such notice you will be liable, under section 209 of 15 & 16 Vict. c. 76, to FORFEIT to your landlord THREE YEARS' RACKRENT of the premises demised to you or holden in your possession of him, in respect of which this summons has issued.

216.

NOTICE OF WITHDRAWAL OF ACTION FOR RECOVERY OF LAND AS TO THE WHOLE OR PART OF PROPERTY.

(Order IX., Rule 1.)

Take notice, that I, the above-named Plaintiff, will not proceed in this action [or in respect of that portion of the property hereinafter described, that is to say, *here describe the said portion of property*].

Plaintiff.

217.

NOTICE IN ACTION FOR RECOVERY OF LAND THAT A PERSON NOT ORIGINALLY MADE A DEFENDANT WILL APPEAR AND DEFEND.

(Order X., Rule 4.)

Take notice, that M.N. has filed the affidavit, a copy of which is hereunto annexed, and that by leave of the Registrar he will appear at the trial as a Defendant.

To the Plaintiffs.

218.

NOTICE IN ACTION FOR RECOVERY OF LAND THAT A DEFENDANT WILL LIMIT HIS DEFENCE TO PART OF THE PROPERTY.

(Order X., Rule 5.)

Take notice, that the above-named Defendant K.L. will at the trial of this action limit his defence to a part only of the property mentioned in the statement annexed to the summons; that is to say, [*here describe the part to which the defence is limited with reasonable certainty*].

To the Registrar of the Court
and to the Plaintiffs.

action; that is to say [*describe the property as set out in the statement annexed to the summons*]; and it is ordered that the Defendants do give the said Plaintiff *A.B.* possession of the said above-mentioned property forthwith [or on the day of], and it is adjudged that the said Plaintiff *A.B.* do recover against the Defendants the sum of £ for costs.

And it is ordered, that the Defendants do pay to the Registrar of this Court the sum above-mentioned on or before the day of 18 .

To the Defendants.

Take notice, that unless possession be given and payment made as above ordered a warrant may issue, requiring the bailiff of the Court to give possession of the said property to the Plaintiff *A.B.*, and to levy the sum above-mentioned, together with further costs.

223.

JUDGMENT IN EJECTMENT FOR PLAINTIFF
WHOSE TITLE HAS EXPIRED BEFORE TRIAL.

(30 & 31 Vict. c. 142. s. 11. Order XXIII., Rule 10.)

Upon the hearing of this action at a Court holden this day, it is adjudged that the Plaintiff was on the day of 18 , and thence until and at the time of the entry of the plaint and of the service of the summons in this action, entitled to the possession of the property mentioned in the statement annexed to the summons in this action; that is to say [*here describe the property as set out in the statement*], but his title to the same has since that time and before this day expired; and it is further adjudged that the Plaintiff do recover against the defendant the sum of £ for costs.

And it is ordered that the Defendant do pay to the Registrar of this Court the sum above mentioned on or before the day of 18 .

224.

JUDGMENT IN EJECTMENT FOR DEFENDANT.

(30 & 31 Vict. c. 142. s. 11.)

Upon the hearing of this action at a Court holden this day, it is adjudged that the Plaintiff was not on the day of 18 , nor thence hitherto hath been nor is he now entitled to the possession of the property, or of any part of the property mentioned in the statement annexed to the sum-

mons in this action; that is to say [*here describe the property as set out in the statement*], and it is further adjudged that judgment be entered for the Defendant [or that judgment of nonsuit be entered], and that the Defendant do recover against the Plaintiff the sum of £ for costs.

And it is ordered that the Plaintiff do pay the same to the Registrar of this Court on or before the day of 18 .

To the Plaintiff.

225.

JUDGMENT IN EJECTMENT FOR DEFENDANT'S
COSTS WHERE PLAINTIFF DOES NOT APPEAR.

(30 & 31 Vict. c. 142. s. 11.)

Whereas the Plaintiff has not appeared, either by himself, his solicitor [or agent], at the Court holden this day, being the day appointed for the trial of this action, and the Defendant has appeared in person [or by his solicitor or agent], it is therefore adjudged that the action be struck out, and that the Defendant do recover from the Plaintiff the sum of £ for costs.

And it is ordered that the Plaintiff do pay the same to the Registrar of this Court on or before the day of 18 .

To the Plaintiff.

226.

WARRANT OF POSSESSION.

(Order XXV., Rule 45.)

Whereas, according to the tenor and true meaning of an order, bearing date the day of 18 , made in this action, the said Defendant *C.D.* was ordered to deliver up possession to *A.B.* in the said order named of all that, &c. [*as in order*]: And whereas a copy of such order was duly served upon the said *C.D.*, yet nevertheless he the said *C.D.*, and other ill-disposed persons, his accomplices, have refused to pay obedience thereto, and detain and keep the possession of the said house (or tenement and premises): These are, therefore, to authorise and require you to forthwith enter into and upon the said messuage [or tenement and premises], and that you do remove, eject, and expel the said *C.D.*, his tenants, servants, and accomplices, each and every of them, out of and from the said messuage [or tenement and premises], and every part and parcel thereof, and that you do place and put the said *A.B.* and his assigns into the full, peaceable, and quiet possession thereof, and defend and keep

him and his said assigns in such peaceable and quiet possession when and as often as any interruption may or shall from time to time be given or offered to them or any of them, according to the true intent and meaning of the said order; and herein you are not in anywise to fail.

Given under the seal of the Court, this day of 18 .

By the Court,

Registrar.

To the High Bailiff of the said Court, and others the Bailiffs thereof.

NOTE.—*The above form is given as an example of a warrant of possession issued pursuant to an order in an action other than an action of ejectment.*

227.

WARRANT OF POSSESSION IN EJECTMENT FOR POSSESSION AND COSTS.

(30 & 31 Vict. c. 142. s. 11. Order XXV., Rule 45.)

Whereas at a Court holden at on the day of 18 , it was adjudged that the plaintiffs were on the day of 18 and still are entitled to the possession of the property mentioned in the statement annexed to the summons in this action; that is to say [*describe the property as set out in the statement*]; and it was ordered that the Defendants should give the Plaintiffs possession of the said above-mentioned property forthwith [or on the day of]; and it was adjudged that the Plaintiffs should recover against the Defendants the sum of £ for costs; and it was ordered that the Defendants should pay the said sum to the Registrar of this Court forthwith [or on the day of]:

And whereas the Defendants have not obeyed the said order: These are therefore to authorise and require you to forthwith give possession of the said hereinbefore mentioned property to the Plaintiff: [And these are therefore further to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the Defendant, wheresoever they may be found within the district of this Court (excepting the wearing apparel and bedding of the Defendant or his family, and the tools and implements of his trade, if any, to the value of five pounds), the said sum and the costs of this warrant and execution; and also to seize and take any money or bank notes (whether of the Bank of England or any other bank), and any cheques, bills of

exchange, promissory notes, bonds, specialties, or securities for money, of the Defendant, which may be there found, or such part or so much thereof as may be sufficient to satisfy this execution and the costs of making and executing the same, and to pay the amount so levied to the Registrar of this Court, and make return of what you have done under this warrant immediately upon the execution thereof.]

To the High Bailiff of the said Court.

NOTE.—*When separate warrants are required for possession and costs, pursuant to Order XXV., Rule 47, the words in brackets should be omitted, and Form 164, so far as it relates to costs, used. Form 165 should be used for Defendant's costs.*

228.

SPECIAL WARRANT OF POSSESSION IN EJECTMENT FOR POSSESSION AND COSTS WHERE ONE OF SEVERAL PLAINTIFFS HAS DIED AFTER JUDGMENT AND BEFORE EXECUTION EXECUTED.

(30 & 31 Vict. c. 142. s. 11. Order XXV., Rule 9.)

Whereas at a Court holden at on the day of 18 , it was adjudged that the Plaintiffs on the day of 18 , and at the date of the judgment were entitled to the possession of [*describe the property as in the statement annexed to the summons*], mentioned in the statement annexed to the summons in this action; and it was ordered that the Defendants should give the Plaintiffs possession of the same forthwith [or as in the judgment]; and it was adjudged that the Plaintiffs should recover against the Defendants the sum of £ for costs; and it was ordered that the Defendants should pay the said sum to the Registrar of this Court forthwith [or as in the judgment]:

And whereas the Defendants have not obeyed the said order:

And whereas C.D., one of the Plaintiffs, has died since judgment was given and before execution executed:

These are therefore to authorise and require you to forthwith give possession of the said hereinbefore mentioned premises to the surviving Plaintiffs A.B. and E.F. on behalf of themselves and of the legal representatives of the deceased plaintiff C.D. And these are therefore further, &c. [*conclude as in last form.*]

229.

JUDGMENT IN EJECTMENT FOR PLAINTIFF WHERE DEFENDANT IS JOINT TENANT, TENANT IN COMMON, OR COPARCENER WITH PLAINTIFF, AND AN ACTUAL OUSTER IS PROVED.

(30 & 31 Vict. c. 142. s. 11.)

Upon the hearing of this action at a Court holden this day, it is adjudged that the Plaintiff and Defendant were on the day of , 18 , and still are entitled to the joint possession of the property mentioned in the statement annexed to the summons in this action as joint tenants [or as tenants in common or as coparceners]; that is to say, [*describe the property as set out in the statement*] and it having been proved to the satisfaction of the Court that the Defendant did before the commencement of this action actually oust the Plaintiff from the possession of the said property, and thence hitherto hath kept and still keeps the Plaintiff ousted therefrom, it is adjudged and ordered that judgment be entered for the Plaintiff, and that the Defendant do give the Plaintiff jointly with him the Defendant possession of the said above-mentioned property forthwith [or on the day of], and that the Plaintiff do recover against the Defendant the sum of £ for costs.

And it is ordered that the Defendant do pay to the Registrar of this Court the sum above-mentioned on or before the day of , 18 .

To the Defendant.

Take notice, that if possession be not given and payment made as above ordered, a warrant may issue requiring the bailiff of the Court to give possession of the said property to the Plaintiff, and to levy the sum above mentioned, with further costs.

230.

JUDGMENT IN EJECTMENT FOR DEFENDANT WHERE DEFENDANT IS JOINT TENANT, TENANT IN COMMON, OR COPARCENER WITH THE PLAINTIFF, AND NO ACTUAL OUSTER IS PROVED.

(30 & 31 Vict. c. 142. s. 11.)

Upon the hearing of this action at a Court holden this day, it is adjudged that the Plaintiff and the Defendant were on the day of , 18 , and still are entitled as joint tenants [or as tenants in common or as coparceners] to the joint possession of—that is to say [*describe the property as set out in*

the statement], mentioned in the statement annexed to the summons in this action; and it not having been proved to the satisfaction of the Court that the Defendant has actually ousted the Plaintiff from the possession of the said property or of any part thereof, it is adjudged and ordered that judgment be entered for the Defendant, and that the Defendant do recover against the Plaintiff the sum of for costs.

And it is ordered that the Plaintiff do pay to the Registrar of this Court the sum above mentioned on or before the day of , 18 .

To the Plaintiff.

231.

ORDER IN EJECTMENT FOR THE SUBSTITUTION OF THE HEIR OR OTHER REPRESENTATIVE OF A SOLE PLAINTIFF WHO DIES BEFORE THE RETURN DAY FOR SUCH DECEASED PLAINTIFF, AND FOR THE CONTINUATION OF THE ACTION IN THE NAME OF THE HEIR OR OTHER REPRESENTATIVE.

(30 & 31 Vict. c. 142. s. 11. Order XVII., Rules 2, 4.)

Upon reading the affidavit of *E.F.*, and upon hearing the solicitors of the said *E.F.* and of the Defendant, and it appearing to the Court that the Plaintiff *A.B.* died on the day of now last past, and since the commencement of this action, and that the said *E.F.* is the heir-at-law of the said *A.B.*, and as such heir entitled to whatever estate or interest the said *A.B.* had in the property sought to be recovered in this action [or that the said *E.F.* is entitled as devisee under the will of the said *A.B.* to whatever estate or interest the said *A.B.* had in the property sought to be recovered in this action, or, as the case may be], it is ordered that the name of the said *E.F.* as heir-at-law [or as devisee under the will, or, as the case may be], of *A.B.* deceased be substituted in the proceedings in this action for the name of the said *A.B.* deceased as Plaintiff in this action, and that the said *E.F.* be at liberty to continue this action in his own name as Plaintiff, and to proceed therein as if he had been originally the Plaintiff therein, and that the said *E.F.* do pay to the Registrar of this Court, on or before the day of , 18 , the sum of £ for the costs occasioned to the Defendant by this application, and that the trial of this action be forthwith proceeded with [or be adjourned to the day of , 18].

To the Defendant.

N.B.—In explanation of this form it may be mentioned that after the amendment the title of the cause will stand thus:—

Between *E.F.* (the heir-at-law of *A.B.*, the original Plaintiff, deceased) . . . Plaintiff.

and
C.D. . . . Defendant.

Or,
Between *E.F.* (devisee under the will of *A.B.*, the original Plaintiff, deceased) . . . Plaintiff,

and
C.D. . . . Defendant.

232.

ORDER IN EJECTMENT FOR THE SUBSTITUTION OF THE HEIR OR OTHER REPRESENTATIVE OF ONE OF SEVERAL PLAINTIFFS WHO DIES BEFORE THE RETURN DAY FOR SUCH DECEASED PLAINTIFF, AND FOR THE CONTINUATION OF THE ACTION IN THE NAME OF THE SURVIVING PLAINTIFF AND OF THE HEIR OR OTHER REPRESENTATIVE OF THE DECEASED PLAINTIFF.

(30 & 31 Vict. c. 142. s. 11. Order XVII., Rules 2, 4.)

Upon reading the affidavit of *K.L.*, and upon hearing the solicitors of the said *K.L.* and of the Defendants, and it appearing to the Court that the Plaintiff *C.D.* died on the day of , now last past, and since the commencement of this action, and that the said *K.L.* is the heir-at-law [*or, as the case may be*] of the said *C.D.*, and as such heir [*or, as the case may be*] is entitled to whatever estate or interest the said *C.D.* had in the property sought to be recovered in this action; it is ordered that the name of the said *K.L.* as heir-at-law [*or, as the case may be*] of *C.D.* deceased, be substituted in the proceedings in this action for the name of the said *C.D.* deceased as one of the Plaintiffs, and that the action be continued and proceeded with in the names of *A.B.* and *K.L.* as Plaintiffs as if the said *A.B.* and *K.L.* had been originally the Plaintiffs therein, and that the said *K.L.* do pay to the Registrar of this Court on or before the day of , 18 , the sum of £ for the costs occasioned to the Defendants by this application, and that the trial of this action be forthwith proceeded with [*or be adjourned to the day of , 18*].

To the Defendants.

233.

JUDGMENT IN EJECTMENT FOR SUBSTITUTED PLAINTIFF.

(30 & 31 Vict. c. 142. s. 11. See Form 231.)

No. of Plaintiff.

In the County Court of holden at . . . (Seal.)

Between *E.F.*, the heir-at-law of *A.B.* [*the original Plaintiff*], deceased . . . Plaintiff,

and
C.D. . . . Defendant.

Or,
[Between *E.F.*, devisee under the will of *A.B.*, the original Plaintiff, deceased . . . Plaintiff, and
C.D. . . . Defendant.]

Whereas the Plaintiff *A.B.* died after the commencement of this action, and before the return day of the summons therein and by an order of the Court made this day [*or on the day of last*], it was ordered, amongst other things, that the name of the said *E.F.*, as heir-at-law of *A.B.* deceased, should be substituted in the proceedings in this action for the name of the said *A.B.*, deceased, as Plaintiff, and that the action should be continued in the name of the said *E.F.* as Plaintiff as aforesaid:

Now, upon the hearing thereof at a Court holden this day, it is adjudged that the said *A.B.*, on the day of , 18 , and thence until the day of his death, was entitled to the possession of the property mentioned in the statement annexed to the summons in this action; that is to say [*describe the property as set out in the statement*]; and that the said Plaintiff *E.F.* is the heir-at-law of the said *A.B.*, and as such heir became on the death of the said *A.B.* and still is entitled to the possession of the said above-mentioned property; and it is ordered that the Defendant do give the Plaintiff *E.F.* possession of the said above-mentioned property forthwith [*or on the day of , 18*], and it is adjudged that the Plaintiff *E.F.* do recover against the Defendant the sum of £ for costs.

And it is ordered that the Defendant do pay to the Registrar of this Court the sum above mentioned on or before the day of , 18 .

Given under the seal of the Court this day of , 18 .

By the Court,

Registrar of the Court.

To the Defendant.

Take notice, that if possession be not

given and payment made as above ordered a warrant may issue requiring the bailiff of the Court to give possession of the said property to the Plaintiff, and to levy the sum above mentioned, together with further costs.

[N.B.—If *E.F.* be entitled as devisee under the will of *A.B.*, the original Plaintiff, or if *A.B.* be one of several joint Plaintiffs, the above Form must be altered accordingly.]

234.

JUDGMENT IN EJECTMENT FOR SURVIVING
AND SUBSTITUTED PLAINTIFFS.

(30 & 31 Vict. c. 142. s. 11. See Form 232.)

In the County Court of _____
at _____ No. of Plaint. _____
holden _____
(Seal.)

Between *A.B.* and *K.L.*, the }
heir-at-law of *C.D.* (one } Plaintiffs.
of the original Plaintiffs) }
deceased }

and

E.F. and *G.H.* . . . Defendants.

Whereas one of the Plaintiffs, *C.D.*, died after the commencement of this action and before the return day of the summons therein, and by an order of this Court made this day [or on the _____ day of _____ last] it was ordered (amongst other things) that the name of the said "*K.L.* as heir-at-law of the said *C.D.*, deceased," should be substituted in the proceedings in this action for the name of the said *C.D.* deceased, together with the name of the said *A.B.* as Plaintiffs, and that the action should be continued in the names of the said *A.B.* and *K.L.* as Plaintiffs as aforesaid :

Now, upon the hearing thereof at a Court this day holden, it is adjudged that the said *A.B.* and *C.D.* deceased, were on the day of _____, 18____, and thence until the day of the death of the said *C.D.*, entitled to the possession of [describe the property as in the statement annexed to the summons], mentioned in the statement annexed to the summons in this action; and that the said Plaintiff *K.L.* is the heir-at-law of the said *C.D.* deceased, and that on the death of the said *C.D.*, the said *A.B.* and *K.L.* became and still are entitled to the possession of the property in the said statement mentioned; and it is ordered that the Defendants do give the Plaintiffs *A.B.* and *K.L.* possession of the property above mentioned and described forthwith [or on the _____ day of _____, 18____]; and it is adjudged that the Plaintiffs *A.B.* and *K.L.* do recover against the Defendants the sum of £ _____ for costs:

And it is ordered that the Defendants do pay to the Registrar of this Court the sum above mentioned on or before the _____ day of _____, 18____.

Given under the seal of the Court this day of _____, 18____.

By the Court.

Registrar of the Court.

To the Defendants.

[If *K.L.* be entitled as devisee under the will of *C.D.*, one of the original Plaintiffs, this Form must be altered accordingly.]

235.

ORDER IN EJECTMENT, GIVING LEAVE TO A PARTY CLAIMING THE PROPERTY ON THE DEATH OF DEFENDANT, WHO DIES BEFORE THE RETURN DAY, TO APPEAR AND DEFEND IN THE PLACE OF SUCH DECEASED DEFENDANT.

(30 & 31 Vict. c. 142. s. 11. Order XVII., Rules 3, 4.)

Upon reading the affidavit of *E.F.*, and upon hearing the solicitors of the said *E.F.*, and of the Plaintiff, and it appearing to the Court that the Defendant has died since the commencement of the action, and that upon the death of the Defendant the said *E.F.* became entitled to whatever estate or interest the Defendant *C.D.* had in the property sought to be recovered in this action; it is ordered that the said *E.F.* be at liberty to appear and defend the said property above mentioned and described in the place of the said *C.D.* deceased, and that the name of the said *E.F.* be substituted for that of the said *C.D.* deceased, as Defendant in the proceedings in this action, and that this action be continued as if the said *E.F.* had been originally made Defendant therein; and that the said *E.F.* do pay to the Registrar of this Court on or before the _____ day of _____, 18____, the sum of £ _____ for the costs occasioned to Plaintiff by this application, and that the trial of this action be forthwith proceeded with [or be adjourned to the day of _____, 18____].

To the Plaintiff.

[N.B.—In explanation of this form it may be mentioned that after the amendment the title of the cause will stand thus :—

Between *A.B.*, Plaintiff,
and

E.F. (substituted for *C.D.*, deceased),
Defendant,

and all subsequent proceedings will be against *E.F.* as if he had been originally Defendant.]

236.

JUDGMENT IN EJECTMENT FOR PLAINTIFF
WHO HAS WITHDRAWN THE ACTION AS TO
PART OF THE PROPERTY.

(30 & 31 Vict. c. 142. s. 11. See Form 216.)

Whereas the Plaintiff has withdrawn this action as to part of the property mentioned in the statement annexed to the summons in this action; that is to say [*describe the part of the property as set out in Plaintiff's notice*], and the action has proceeded for the recovery of the remainder of the said property; now upon the hearing thereof this day it is adjudged that the Plaintiff was on the day of 18 and still is entitled to the possession of the remainder of the property mentioned in the statement annexed to the summons in this action; that is to say [*describe the remainder of the property*]; and it is ordered that the Defendant do give the Plaintiff possession of the said lastly above-mentioned property forthwith [or on the day of]; and it is adjudged that the Plaintiff do recover against the Defendant the sum of £ for costs:

And it is ordered that the Defendant do pay to the Registrar of this Court the sum above mentioned on or before the day of 18 .

To the Defendant.

[N.B.—If the judgment be that Plaintiff recover part only of the remainder of the property, or be for the Defendant, this Form must be altered accordingly.]

237.

CONFESSION IN EJECTMENT BY DEFENDANT
DEFENDING SEPARATELY FOR PART OF THE
PROPERTY OF PLAINTIFF'S TITLE TO SUCH
PART.

(Order IX., Rule 6.)

No. of Plaintiff.

In the County Court of holden
at

Between A.B., Plaintiff,
and

C.D. and E.F., Defendants.

I, C.D., one of the above-named Defendants, defending separately for [*here describe the part for which C.D. defends*], being part of the property mentioned in the statement annexed to the summons in this action, and for which no other person defends, do hereby confess and admit the Plaintiff's title to the above-mentioned part of the said property, and that he is entitled to the immediate possession thereof.

Dated this day of 18 .

C.D., one of the Defendants.

Signed by C.D., one of the Defendants, in
the presence of
To the Registrar of the Court.

238.

JUDGMENT IN EJECTMENT FOR PLAINTIFF
WHERE A DEFENDANT, DEFENDING SEPA-
RATELY FOR PART OF THE PROPERTY,
ADMITS PLAINTIFF'S TITLE TO SUCH PART,
AND THE ACTION PROCEEDS FOR THE RE-
COVERY OF THE REMAINDER OF THE PRO-
PERTY.

(30 & 31 Vict. c. 142. s. 11. Order IX., Rule 6.)

Whereas C.D., one of the Defendants defending separately for [*here describe the part for which C.D. defends*], being part of the property mentioned in the statement annexed to the summons in this action, and for which no other person defends, hath confessed and admitted the Plaintiff's title to the said part of the said property, and that the Plaintiff is entitled to the possession thereof; and whereas the action has proceeded for the recovery of the remainder of the said property: Now, upon the hearing thereof at a Court holden this day, it is adjudged that the Plaintiff was on the day of 18 and still is entitled to the possession of the remainder of the property mentioned in the statement annexed to the summons in this action; and it is ordered that the Defendant C.D. do give the Plaintiff possession of the said [*describe the part defended by C.D.*] forthwith [or on the day of 18], and that the Defendant E.F. do give the Plaintiff possession of the said [*the remainder of the property*] forthwith [or on the day of 18]; and it is adjudged that the Plaintiff do recover against the Defendant C.D. the sum of £ for costs, and against the Defendant E.F. the sum of £ for costs.

And it is ordered that the Defendants do respectively pay the said sums above mentioned to the Registrar of this Court on or before the day of 18 .

To the Defendants.

Take notice, that unless possession be given and payment made as above ordered a warrant may issue requiring the bailiff of the Court to give possession of the said property to the Plaintiff, and to levy the sums above mentioned, together with further costs.

[N.B.—If the judgment be that Plaintiff recover part only of the remainder of the property, or be for the Defendant, the above Form must be altered accordingly.]

239.

NOTICE IN EJECTMENT BY MORTGAGEE
AGAINST MORTGAGOR THAT DEFENDANT HAS
PAID INTO COURT A SUM OF MONEY FOR
PRINCIPAL, INTEREST, AND COSTS.

(30 & 31 Vict. c. 142. s. 11. 15 & 16 Vict.
c. 76. s. 219.)

Take notice, that the Defendant has paid into Court the sum of £ , as being all that is due for principal and interest upon the mortgage upon which this action is brought, and for costs; and further take notice, that if you are willing to accept the said sum so paid into Court you need not appear on the return day of the summons; but if you do not agree to accept the said sum so paid in as aforesaid, you should appear at the Court on that day, as the Court will then proceed to determine whether the said sum of £ so paid into Court as aforesaid is sufficient to satisfy all such principal, interest, and costs and fees as aforesaid, and will in either case make such order in the matter as to the Court shall seem fit.

Dated this day of 18 .
 Registrar of the Court.

To the Plaintiff.

240.

ORDER IN EJECTMENT BY MORTGAGEE
AGAINST MORTGAGOR (ALL MONEY DUE
FOR PRINCIPAL, INTEREST, AND COSTS
HAVING BEEN PAID INTO COURT) UPON
PLAINTIFF TO RECONVEY TO THE DEFEN-
DANT THE MORTGAGED PROPERTY.

(30 & 31 Vict. c. 142. s. 11. 15 & 16 Vict.
c. 76. s. 219.)

Whereas this action is brought to recover possession of certain property mortgaged by the Defendant to the Plaintiff, and the Defendant has paid into Court the sum of £ for principal, interest, and costs due upon or in respect of the said mortgage: Now, upon the hearing thereof at a Court this day holden, the Plaintiff not appearing, [or the Plaintiff agreeing to accept the said sum of £ for such principal, interest, and costs, as aforesaid, or the Plaintiff, alleging that the said sum of £ is not sufficient to satisfy such principal, interest, and costs as aforesaid, it is adjudged that the said sum is sufficient to satisfy such principal, interest, and costs as aforesaid, and] it is ordered that within days from this day the Plaintiff shall, at the costs and charges of the Defendant, reconvey to the Defendant the mortgaged property for the recovery of which this action is brought, and

shall deliver up to the Defendant all title-deeds and writings relating to the said property.

To the Plaintiff and to the Defendant.

241.

ORDER IN EJECTMENT BY MORTGAGEE
AGAINST MORTGAGOR (A CERTAIN SUM
HAVING BEEN PAID INTO COURT FOR PRIN-
CIPAL, INTEREST, AND COSTS), THAT DE-
FENDANT SHALL PAY A FURTHER SUM
INTO COURT, AND THAT UPON SUCH PAY-
MENT BEING MADE THE PLAINTIFF SHALL
RECONVEY THE MORTGAGED PROPERTY TO
THE DEFENDANT.

(30 & 31 Vict. c. 142. s. 11. 15 & 16 Vict.
c. 76. s. 219.)

Whereas this action is brought to recover possession of certain property mortgaged by the Defendant to the Plaintiff, and the Defendant has paid into Court the sum of £ for principal, interest, and costs due upon or in respect of the said mortgage: Now, upon the hearing thereof at a Court this day holden, the Plaintiff refusing to accept the said sum so paid into Court as aforesaid, it is adjudged that the said sum of £ is not sufficient to satisfy the principal, interest, and costs due upon or in respect of the said mortgage, and that the further sum of £ is due from the Defendant to the Plaintiff for the same; and it is ordered that the Defendant shall on or before the day of 18 pay to the Registrar of this Court the said last-mentioned sum, together with £ for the Plaintiff's costs in this action, and that upon the said sums of £ and £ , amounting together to the sum of £ , being paid into Court on or before the said day of 18 , the Plaintiff shall, within

days from the said last-mentioned day, at the costs and charges of the Defendant, reconvey to the Defendant the mortgaged property for the recovery of which this action is brought, and deliver up to him all title-deeds and writings relating thereto; and it is further ordered that if the Defendant shall not, before or on the said day of 18 , pay the said last-mentioned sum, then execution shall forthwith issue on the application of the Plaintiff for the recovery of the possession of the property described in the summons in this action, and for the sum of £ [the costs of this action], together with the costs of the execution; and the Registrar shall return the money paid into Court to the Defendant.

To the Plaintiff and to the Defendant.

242.

PARTICULARS OR STATEMENT OF THE CAUSE OF ACTION UNDER SECTION 12 OF 30 & 31 VICT. c. 142.

This action is brought,—

(Interruption of right of way.)

A. For that the Plaintiff was possessed of a cottage, and by reason thereof was entitled to a right of way from and to the said cottage, over and through a certain inclosed yard of the Defendant, to a certain spring of water, for the purpose of getting water from the said spring, and that the Defendant hath prevented the Plaintiff from using the said way and having thereby access to the said spring, and still hinders and prevents him therefrom; and neither the annual value nor the yearly rent of the lands, tenements, or hereditaments in respect of which or on, through, or over which such easement is claimed exceeds the sum of £20; and the Plaintiff claims £20 damages.

(Interruption of drainage.)

B. For that the Plaintiff was possessed of a cottage and premises, and by reason thereof was entitled to have all the sewage and waste water arising on and from the said cottage and premises flow along and through a drain through and under the surface of a garden in the occupation of Defendant into a cesspool there, and the Defendant, by stopping up the said drain, hath prevented and still prevents such sewage and waste water from flowing through and along the said drain into the said cesspool; and neither, &c. [as in the last Form], and the Plaintiff claims 5s. damages.

(Obstruction of light and air.)

C. For that the Plaintiff was possessed of a house, in which there were divers windows, and by reason thereof was entitled to the free access of air and light into the said house through the said windows, and the Defendant by building a wall close to and in front of the said windows hath darkened the Plaintiff's house, and prevented and still prevents the access of light and air into the Plaintiff's house as Plaintiff before enjoyed the same; and neither the annual value nor yearly rent of either Plaintiff's house, or of the land on which the Defendant has built the said wall, exceeds the sum of £20; and the Plaintiff claims 40s. damages.

[The above Forms are given merely as examples, and the statement in all cases must be in accordance with the right claimed, and be as concise as possible.]

243.

NOTICE TO DISTRAINER OF GOODS [OR CATTLE] INTENDED TO BE REPLEVIED.

(19 & 20 Vict. c. 108. ss. 63, 64.)

In the County Court of
holden at

Take notice, that A.B. of, &c., whose goods [or cattle] you have distrained, intends to replevy the same, and has proposed as his sureties for the due prosecution of an action of replevin against you in the [here mention the Court in which the action is to be brought], E.F. of, &c., and G.H. of, &c., and that if you have any valid objection to make to the proposed sureties, or either of them, you must attend at [here insert place of office of Registrar], on the day of 18, at the hour of , when the bond will be submitted to me for approval.

J.K.,

Registrar of the Court.

244.

BOND IN REPLEVIN WHERE ACTION TO BE COMMENCED IN HIGH COURT OF JUSTICE.

(19 & 20 Vict. c. 108. ss. 65 and 71.)

Know all men by these presents, that we, A.B. of, &c., C.D. of, &c., and E.F. of, &c., are held and firmly bound unto G.H.* of, &c., in £ to be paid to the said G.H. or his certain attorney, executors, administrators, or assigns, for which payment to be made we bind ourselves and each and every of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this day of one thousand hundred and

Whereas the above-named C.D. and E.F., at the request of the said A.B., have agreed to enter into the above-written obligation, and his security has been approved of by , the Registrar of the County Court of holden at , as appears by his allowance in the margin hereof;†

Now the condition of this obligation is such, that if the above-bounded A.B. do and shall within one week from the date of the said obligation commence an action of replevin against the above-named G.H. in the High Court of Justice, for taking and unjustly detaining of certain goods and chattels of the

* The distrainer.

† I approve of this bond.

I.K.,

Registrar. (L.S.)

This bond requires a stamp.

2 G

said , to wit, [here insert the description of the goods and chattels], and prosecute such action with effect and without delay, and unless judgment be obtained thereon by default, do and shall prove before the said Court of that he the said had good ground for believing that the title to the hereditament in respect of which the distress was made was in question [or, that the title to a toll was in question], [or, that the title to a market was in question], [or, that the title to a fair was in question], [or, that the title to a franchise was in question], [or, that the alleged rent or damage in respect of which the distress was made exceeded twenty pounds], and do and shall also make return of the said goods and chattels, if return thereof shall be awarded, then this obligation shall be void and of no effect, otherwise shall be and remain in full force.

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

Signed, sealed, and delivered by the above bounden in the presence of

NOTE.—If a deposit of money be made, the memorandum thereof should follow the terms of the conditions of the bond, and will not require a stamp.

245.

BOND IN REPLEVIN WHERE ACTION TO BE COMMENCED IN COUNTY COURT.

(19 & 20 Vict. c. 108. ss. 66 and 71.)

Know all men by these presents, that we, A.B. of, &c., C.D. of, &c., and E.F. of, &c., are held and firmly bound unto G.H.* of, &c., in £ to be paid to the said G.H., or his certain attorney, executors, administrators, or assigns, for which payment to be made we bind ourselves and each and every of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this day of one thousand eight hundred and

Whereas the above-named C.D. and E.F., at the request of the said A.B., have agreed to enter into the above-written obligation, and this security has been approved of by , the Registrar of the County Court of holden at , as appears by his allowance in the margin hereof:†

* The distrainer.

† I approve of this bond.

I.K.
Registrar. (L.S.)

This bond requires a stamp.

Now the condition of this obligation is such, that if the above-bounden A.B. do and shall within one month from the date of the said obligation commence an action of replevin against the above-named G.H. in the County Court of holden at for taking and unjustly detaining of certain goods and chattels of the said to wit, [here insert the description of the goods and chattels], and prosecute such action with effect and without delay, and do and shall also make return of the said goods and chattels, if return thereof shall be awarded, then this obligation shall be void and of no effect, otherwise shall be and remain in full force.

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

Signed, sealed, and delivered by the above bounden in the presence of

NOTE.—If a deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond, and will not require a stamp.

246.

WARRANT TO HIGH BAILLIFF TO REPLEVIN.

(19 & 20 Vict. c. 108. s. 68.)

In the County Court of }
holden at }

Whereas hath given security as well to commence his action of replevin against for the taking and unjustly detaining of certain goods and chattels [or cattle] of the said that is to say : and prosecute such action with effect and without delay, as also to return the said goods and chattels if return thereof shall be adjudged by law : Now, as Registrar of the said County Court, and by virtue of the provisions of the 19 & 20 Vict. c. 108, I hereby authorise and direct you without delay to replevy and deliver the said goods and chattels [or cattle] to the said and forthwith to return to me this warrant and what you shall have done under the same.

Dated the day of 18 .
Registrar of the Court.

To the High Bailiff of the Court.

In obedience to this warrant, I have replevied and caused to be delivered to the within-named the within-mentioned goods and chattels [or cattle].

Dated this day of 18 .
High Bailiff.

(For JUDGMENT FOR PLAINTIFF IN REPLEVIN,
see Form 34.)

247.

JUDGMENT FOR DEFENDANT IN REPLEVIN
FOR RENT.

(Order XXXIV. Rules 3 and 4.)

Upon hearing this action at a Court holden this day, it is adjudged that the Plaintiff do return to the defendant the goods and chattels [or cattle, stating the particulars thereof], and pay to the Registrar of the Court, forthwith [or on the day of] the sum of £ for costs of suit [or, It is adjudged that the amount due for rent in arrear from the Plaintiff to the Defendant is £ and that the goods and chattels [or cattle] were of the value of £ and that the Plaintiff do forthwith [or on the day of] pay to the Registrar of the Court, at his office, the said sum of £ and also the sum of £ for costs of suit.

248.

JUDGMENT FOR DEFENDANT IN REPLEVIN OF
CATTLE DAMAGE FEASANT.

(Order XXIV. Rules 3 and 5.)

Upon hearing this action at a Court holden this day, it is adjudged that the Plaintiff do return to the Defendant the cattle [here specify the cattle], or do pay to the Registrar of this Court, forthwith [or on the day of 18], the sum of £, which is now adjudged to be the amount of damage sustained by the Defendant.

It is also adjudged that the plaintiff do pay to the Registrar of the Court, on the day and year aforesaid, the sum of £ for costs.

249.

JUDGMENT FOR DELIVERY OF GOODS.

(Order XXV. Rule 50.)

Upon hearing this action at a Court holden this day, it is adjudged that the Plaintiff do recover against the Defendant the following goods and chattels of the Plaintiff wrongfully detained by the Defendant; that is to say [here enumerate the chattels which the Court decides to have been detained], or £ their value, and also the sum of £ for damages for the detention of the said goods and chattels, and the sum of £ for costs.

[And it is ordered that the Defendant do return the said goods and chattels to the Plaintiff, or do pay the said sum £ their value to the Registrar of the Court on the day of 18 .]

And it is further ordered that the Defendant do pay the said sums of £ and £ for damages and costs to the Registrar of the Court on the day of 18 .

If the Judge makes an order at the trial for a return of the goods and chattels without giving the Defendant the option of returning them, omit the words in brackets and substitute the following:—

And it is ordered that the defendant do return the said goods and chattels to the Plaintiff on the day of 18 , and that in default of his so doing a warrant of delivery do issue.

250.

WARRANT OF DELIVERY.

(Order XXV., Rule 50. 19 & 20 Vict. c. 108.
s. 46.)

Whereas at a Court holden at on the day of , 18 , the Plaintiff obtained a judgment against the Defendant for the recovery of [here enumerate the goods and chattels which the Court has ordered to be recovered of the Defendant], and thereupon it was ordered by the Court, that the Defendant should return the said goods and chattels to the Plaintiff on the said day of , 18 , and that in default a warrant of delivery should issue:

And whereas the Defendant did not on the said day of , 18 , return the said goods and chattels to the Plaintiff:

These are therefore to require and order you forthwith to seize the said goods and chattels so not returned as aforesaid, wheresoever they may be found within the district of this Court, and to deliver the same to the Plaintiff.

And if the same cannot be found by you within such district, you are required and ordered to distrain all the lands and chattels of the defendant, wheresoever they may be found within the district of this Court, and them hold until the Defendant shall deliver the said goods to you, and to make return of what you have done under this warrant immediately upon the execution thereof.

Application was made to the Registrar for this warrant at minutes past the hour of in the noon of the day of , 18 .

251.

WARRANT OF DELIVERY AND OF EXECUTION
FOR DAMAGES AND COSTS.

(Order XXV., Rules 50, 51. 19 & 20 Vict.
c. 108. s. 46.)

Whereas at a Court holden at _____ on the _____ day of _____, 18____, the Plaintiff obtained a judgment against the Defendant for the recovery of [*here enumerate the goods and chattels which the Court has ordered to be recovered of the Defendant*], and for the payment of £_____ for damages for the detention of the said goods and chattels, and of £_____ for costs; and thereupon it was ordered by the Court that the Defendant should return the said goods and chattels to the Plaintiff and pay the said sums of £_____ and £_____ to the Registrar of this Court on the _____ day of _____, and that in default of his so doing a warrant of delivery should issue:

And whereas the Defendant did not on the said _____ day of _____, 18____, return the said goods and chattels to the Plaintiff, and default has been made in payment according to the said order:

There are therefore to require and order you forthwith to seize the said goods and chattels so not returned as aforesaid, wheresoever they may be found within the district of this Court, and to deliver the same to the Plaintiff:

And if the same cannot be found by you within such district, you are required and ordered to distrain all the lands and chattels of the Defendant wheresoever they may be found within the district of this Court, and them hold until the Defendant shall deliver the said goods and chattels to you; and further to make and levy by distress and sale of the goods and chattels of the Defendant wheresoever they may be found within the district of this Court (except the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the Plaintiff under the said order, including the costs of this execution; and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the Defendant, which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution and the costs of making and executing the same, and to pay what you shall have so levied to the Registrar of this Court, and to make return of what you

have done under this warrant immediately upon the execution thereof.

	£	s.	d.
Damages for detention of goods			
Costs			
Poundage for issuing this warrant			
Total amount to be levied			

NOTICE.—*The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the Defendant.*

Application was made to the Registrar for this warrant at _____ minutes past the hour of _____ in the _____ noon of the _____ day of _____, 18____.

252.

WARRANT OF DELIVERY WHERE, IF GOODS
ARE NOT RETURNED, LEVY IS TO BE MADE
FOR THEIR VALUE.

(Order XXV., Rules 50, 51. 19 & 20 Vict.
c. 108. s. 46.)

Whereas at a Court holden at _____ on the _____ day of _____, 18____, the Plaintiff obtained a judgment against the Defendant for the recovery of [*here enumerate the goods and chattels which the Court has ordered to be recovered of the Defendant or £_____ their value*], and for the payment of £_____ for damages for the detention of the said goods and chattels, and of £_____ for costs; and thereupon it was ordered by the Court, that the Defendant should return the said goods and chattels to the Plaintiff or pay the said sum of £_____ their value, and also pay the said sums of £_____ (damages for the detention) and £_____ (costs) to the Registrar of this Court on the _____ day of _____:

And whereas the Defendant did not on the said _____ day of _____, 18____, return the said goods and chattels to the Plaintiff, and default has been made in payment according to the said order:

These are therefore to require and order you forthwith to seize the said goods and chattels so not returned as aforesaid, wheresoever they may be found within the district

of this Court, and to deliver the same to the Plaintiff:

And if the same cannot be found by you within such district, you are required and ordered to make and levy by distress and sale of the goods and chattels of the Defendant wheresoever they may be found within the district of this Court (except the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the said sum of £ (the assessed value of the goods and chattels), and further to make and levy by distress and sale of the goods and chattels of the Defendant wheresoever they may be found within the district of this Court (except as hereinbefore excepted the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the said sums of £ (damages for detention) and £ (costs), and also the costs of this execution.

And also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the Defendant, which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution and the costs of making and executing the same, and to pay what you shall have so levied to the Registrar of this Court, and to make return of what you have done under this warrant immediately upon the execution thereof.

	£	s.	d.
Assessed value of the goods and chattels			
Damages for detention of goods			
Costs			
Poundage for issuing this warrant			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the Defendant.

Application was made to the Registrar for this warrant at _____ minutes past the hour of _____ in the _____ noon of the day of _____, 18 ____.

258.

ORDER UNDER THE MERCANTILE LAW AMENDMENT ACT, 1856.

(19 & 20 Vict. c. 97. s. 2.)

Upon hearing this action (the same being for breach of contract to deliver specific goods for a price in money) at a Court holden this day, it being adjudged that the Plaintiff is entitled to recover, it is, upon the application of the Plaintiff, found and adjudged that the goods in respect of the non-delivery of which the Plaintiff is entitled to recover, and which remain undelivered, are as follows; (that is to say,) [*here enumerate the goods undelivered*]; and that the Plaintiff would have been liable to pay the sum of £ [*here insert the sum to be paid by Plaintiff for the delivery*] for the delivery thereof; and that the Plaintiff will have sustained damages to the amount of £ [*here insert the sum assessed for damages if the goods be delivered*] if the said goods shall be delivered under execution as hereinafter mentioned, and to the amount of £ [*here insert the sum assessed for damages in the event of the non-delivery of the goods*] if the said goods shall not be so delivered: And thereupon judgment being now given for the Plaintiff, it is, upon the application of the Plaintiff, ordered that the said goods be delivered by Defendant to the Plaintiff on the payment by him of the said sum of £ [*here insert the sum to be paid by Plaintiff for the delivery*] on or before the _____ day of _____, now next ensuing, and that in default thereof execution do issue for the delivery to the Plaintiff, on payment by the Plaintiff of the said sum of £ [*here insert the sum to be paid by Plaintiff for the delivery*] of the said goods; and that the Defendant shall not have the option of retaining the same upon payment of the damages lastly assessed in the event of the non-delivery of the goods; and that the Plaintiff do recover against the Defendant the said sum of £ [*here insert the sum assessed for damages if the goods be delivered*] for damages and for costs.

And it is further ordered that if the said goods or any part thereof cannot be found within the district of this Court, the bailiff of this Court shall distrain the Defendant by all his lands and chattels within the district of this Court till the Defendant deliver the said goods, or, at the option of the Plaintiff, the said bailiff shall cause to be made of the Defendant's goods the said sum secondly above assessed for damages, or a due proportion thereof.

254.

DISTRINGAS AND WARRANT OF DELIVERY AGAINST DEFENDANT'S GOODS FOR THE AMOUNT OF DAMAGES FOR NON-DELIVERY OF THE GOODS (SUPPOSING THE GOODS DELIVERED UNDER THE ORDER AND DISTRINGAS) AND COSTS, UNDER THE MERCANTILE LAW AMENDMENT ACT, 1856.

(19 & 20 Vict. c. 97. s. 2.)

Whereas at a Court holden at
on the day of , 18 , the
Plaintiff obtained a judgment against the
Defendant for the delivery to the Plaintiff
upon payment by the Plaintiff of the sum of
£ [*here insert the sum to be paid
by Plaintiff for the delivery*] of the follow-
ing goods: that is to say [*here enumerate the
goods enumerated in the judgment*]; and by
the said judgment it was found and adjudged
that the Plaintiff will have sustained damages
to the amount of £ [*here insert
the sum assessed for damages if the goods
be delivered*] if the said goods shall be de-
livered to the Plaintiff under this warrant,
and to the amount of £ [*here in-
sert the sum assessed for damages in the
event of the non-delivery of the goods*] if
the said goods shall not be so delivered, and
judgment being then given for the Plaintiff,
it was thereupon ordered that execution do
issue for the delivery to the Plaintiff, on pay-
ment by the Plaintiff of the said sum of
£ [*here insert the sum to be paid
by Plaintiff for the delivery*] of the said
goods, and that the Defendant should not
have the option of retaining the said goods
upon payment of the said sum of £ [*here insert the sum assessed for damages
in the event of the non-delivery of the
goods*], and that the Plaintiff do recover
against the Defendant the said sum of
£ [*here insert the sum assessed for
damages if the goods be delivered*], for
damages, and £ for costs:

And it was further ordered that if the said
goods or any part thereof should not be
found within the district of this Court, the
bailiff of this Court should distrain the de-
fendant by all his lands and chattels within
the district of this Court till the defendant
deliver the said goods, or, at the option of
the Plaintiff, the said bailiff should cause to
be made of the Defendant's goods the said
sum of £ [*here insert the sum found
for damages if the goods be not delivered*],
or a due proportion thereof:

And whereas the said goods have not been
delivered according to the said order, and
the said sum of £ so payable by the
Plaintiff as aforesaid has been paid to the
Registrar of this Court, and the plaintiff has

not expressed his option to have the said
sum of £ [*here insert the sum found
for damages if the goods be not delivered*],
or a due proportion thereof, made of the
goods of the Defendant:

These are therefore to require and order
you forthwith to seize the said goods so not
delivered as aforesaid, wheresoever they may
be found within the district of this Court,
and to deliver the same to the Plaintiff, and
pay over to the Defendant upon seizure of
the said goods the said sum of £ [*here
insert the sum to be paid by the Plaintiff for
the delivery*] which is delivered to you to-
gether with this warrant:

And if the same cannot be found by you
within such district, you are required and
ordered to distrain all the lands and chattels
of the Defendant, wheresoever they may be
found within the district of this Court, and
them hold until the defendant shall deliver
the said goods to you: and further to make
and levy, by distress and sale of the goods
and chattels of the Defendant, wheresoever
they may be found within the district of this
Court (excepting the wearing apparel and
bedding of him or his family, and the tools
and implements of his trade, if any, to the
value of five pounds), the sum stated at the
foot of this warrant, being the amount due to
the plaintiff under the said order, including
the costs of this execution; and also to seize
and take any money or bank notes (whether
of the Bank of England or of any other bank),
and any cheques, bills of exchange, promis-
sory notes, bonds, specialties, or securities
for money of the Defendant which may there
be found, or such part or so much thereof as
may be sufficient to satisfy this execution,
and the costs of making and executing the
same, and to pay what you shall have so
levied to the Registrar of this Court, and
make return of what you have done under
this warrant immediately upon the execu-
tion thereof.

Given under the seal of the Court, this
day of 18 .

By the Court,

Registrar of the Court.

To the High Bailiff of the said Court,
and others the Bailiffs thereof.

	£	s.	d.
Amount found for damages if the goods be delivered . . .			
Sum adjudged for costs . . .			
Poundage for issuing this war- rant			
Total amount to be levied . . .			

NOTICE.—The goods and chattels seized for damages and costs are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the Defendant.

Application was made to the Registrar for this warrant at _____ minutes past the hour of _____ in the _____ noon of the _____ day of 18 _____.

[N.B.—When a plaintiff sues out this warrant, he must pay to the Registrar the amount found by the judgment to be payable by Plaintiff for the delivery of the goods, and the Registrar must hand over such amount to the bailiff with this warrant, for the bailiff to pay to the Defendant, if either the Defendant delivers the goods to the bailiff or the bailiff obtains possession of them under this warrant.]

255.

WARRANT OF EXECUTION AGAINST DEFENDANT'S GOODS UNDER THE MERCANTILE LAW AMENDMENT ACT, WHERE PLAINTIFF EXERCISES THE OPTION OF HAVING THE DAMAGES ASSESSED FOR THE NON-DELIVERY OF THE GOODS (WHERE THE GOODS ARE NOT DELIVERED PURSUANT TO THE ORDER) LEVIED BY DISTRESS AND SALE OF DEFENDANT'S GOODS.

(19 & 20 Vict. c. 97. s. 2.)

Whereas at a Court holden at _____ on the _____ day of _____ 18 _____, the Plaintiff obtained a judgment against the Defendant for the delivery to the Plaintiff, upon payment by the Plaintiff of the sum of £ _____ [here insert the sum to be paid by Plaintiff for the delivery] of the following goods; that is to say [here enumerate the goods enumerated in the judgment]; and by the said judgment it was found and adjudged that the Plaintiff will have sustained damages to the amount of £ _____ [here insert the sum assessed for damages if the goods be delivered] if the said goods shall be delivered to the amount of £ _____ under this warrant, and to the amount of £ _____ [here insert the sum assessed for damages in the event of the non-delivery of the goods] if the said goods shall not be so delivered, and judgment being then given for the Plaintiff, it was thereupon ordered that execution do issue for the delivery to the Plaintiff on payment by the Plaintiff of the said sum of £ _____ [here insert the sum

to be paid by Plaintiff for the delivery] of the said goods, and that the Defendant should not have the option of retaining the said goods upon payment of the said sum of £ _____ [here insert the sum assessed for damages in the event of the non-delivery of the goods], and that the Plaintiff do recover against the Defendant the said sum of £ _____ [here insert the sum assessed for damages if the goods be delivered] for damages and £ _____ for costs:

And it was further ordered that if the said goods or any part thereof should not be found within the district of this Court, the bailiff of this Court should distrain the Defendant by all his lands and chattels within the district of this Court till the Defendant deliver the said goods, or, at the option of the plaintiff, the said plaintiff should cause to be made of the defendant's goods the said sum of £ _____ [here insert the sum found for damages if the goods be not delivered], or a due proportion thereof: And whereas the said goods have not been delivered according to the said order, and the Plaintiff has expressed his option to have the said sum of £ _____ [here insert the sum assessed for damages in the event of non-delivery of the goods] made of the goods and chattels of the Defendant: These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the Defendant where-soever they may be found within the district of this Court (excepting the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the Plaintiff under the said order, including the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the Defendant which may there be found, or such part, or so much thereof as may be sufficient to satisfy this execution, and the cost of making and executing the same, and to pay what you shall have so levied to the Registrar of this Court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court, this _____ day of _____ 18 _____.

By the Court,

Registrar of the Court.
To the High Bailiff of the said Court,
and others the Bailiffs thereof.

	£	s.	d.
Amount found for damages if the goods be not delivered .			
Sum adjudged for costs .			
Poundage for issuing this war- rant			
Total amount to be levied .			

NOTICE.—*The goods and chattels are not to be sold until after the end of five days next following the day on which they may have been taken, unless they be of a perishable nature, or at the request of the Defendant.*

(19 & 20 Vict. c. 108. s. 46.)

Application was made to the Registrar for this warrant at minutes past the hour of in the noon of the day of 18 .

256.

ORDER APPOINTING A RECEIVER OF REAL AND PERSONAL ESTATE.

(Order XIII., Rule 1.)

Upon the application of and upon reading an affidavit of and upon hearing

It is ordered that of be appointed to receive the rents and profits of the real and leasehold estates of and to get in the outstanding personal estate of the testator [or intestate] named in the particulars or statement annexed to the summons in this action; and the tenants of the real and leasehold estates are to attorn and pay their rents in arrear and growing rents to such receiver.

And it is ordered that the Defendants, the executors of the testator [or administrators of the intestate], deliver over to such receiver all securities in their hands for such outstanding personal estate, together with all books and papers relating thereto.

257.

ORDER APPOINTING A RECEIVER OF A PARTNERSHIP.

(Order XIII., Rule 1.)

Upon the application of and upon reading an affidavit of and upon hearing

It is ordered that of be appointed to collect, get in, and receive debts now due and outstanding and other

assets and property belonging to the partnership business of at and out of the first moneys received to pay the debts due from the said business.

And it is further ordered that the Plaintiff and Defendant respectively do deliver over to the said all the stock-in-trade and effects of the said partnership, and also all securities in their or either of their hands for such outstanding partnership estate, together with all books and papers relating thereto.

258.

NOTICE TO RECEIVER TO PRODUCE HIS ACCOUNTS FOR AUDIT.

(Order XIII., Rule 5.)

You are hereby required, on or before the day of 18, to leave at my office your accounts as receiver in this action [or petition or matter], duly verified by affidavit, and to attend at my office aforesaid at o'clock in the noon for the purpose of having such accounts audited, and you are required to bring with you all receipts, papers, and vouchers necessary for verifying such accounts.

To E.F.,

Receiver in this action [or petition or matter].

259.

ORDER ON RECEIVER TO PAY TO BENEFICIARY.

(Order XIII., Rule 8.)

Upon the application of it is ordered that X.Y., of appointed by an order of this Court, dated the day of , the receiver in this action [or matter], do pay at the end of each quarter to the moneys received by him during the quarter as such receiver, after deducting his own remuneration and all other proper disbursements; and that he be allowed such payments in passing his accounts.

[NOTE.—Where the Court at the time of appointing the receiver adds a similar direction, it can be prepared from this form.]

260.

BOND TO BE GIVEN BY RECEIVER.

(Order XIII., Rule 2.)

Know all men by these presents, that we, A.B., of, &c., and C.D., of, &c., and E.F., of,

&c., are jointly and severally held and firmly bound to *G.H.*, Registrar of the County Court of _____ holden at _____ in £ _____ to be paid to the said *G.H.*, or his certain attorney, executors, administrators, or assigns. For which payment to be made we bind ourselves, and each and every of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this _____ day of _____ one thousand _____ hundred and _____.

And whereas a plaint in equity has been entered in this Court by *A.B.* against *C.D.* for the purpose of [*here insert object of action*]:

And whereas the said *A.B.* has been appointed, by order of the above-mentioned Court, to receive the rents and profits of the real [*or freehold, or copyhold, or leasehold*] estate [*or estates*] [and to get in the outstanding personal estate] of *C.D.*, the testator in the said plaint named:

Now the condition of this obligation is such, that if the above-bounden *A.B.* do and shall duly account for all and every the sum and sums of money which he shall so receive on account of the rents and profits of the real estates, and in respect of the personal estate, of the said *C.D.* [*or as may be*] at such periods as the said Court shall appoint, and do and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court had directed or shall hereafter direct, then this obligation shall be void and of none effect, otherwise shall remain in full force and virtue.

A.B. (L.S.)
C.D. (L.S.)

Signed, sealed, and delivered by the above-bounden _____ in the presence of _____

[NOTE.—If deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond, and will not require a stamp.]

261.

ORDER FOR ACCOUNTS AND ENQUIRIES.

(Order XII., Rule 10.)

This Court doth order that the following accounts and enquiry be taken and made; that is to say,

1. An account of the personal estate not specifically bequeathed of *A.B.*, deceased,

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the testator in the pleadings named, come to the hands of, &c.

2. An account of the testator's debts.

3. An account of the testator's funeral expenses.

4. An account of the testator's legacies and annuities (if any) given by the testator's will.

5. An enquiry what parts (if any) of the testator's said personal estate are outstanding or undisposed of.

And it is ordered that the testator's personal estate not specifically bequeathed be applied in payment of his debts and funeral expenses in a due course of administration, and then in payment of the legacies and annuities (if any) given by his will.

(If ordered.)

And it is ordered that the following further enquiries and accounts be made and taken; that is to say,

6. An enquiry what real estate the testator was seized of or entitled to at the time of his death.

7. An account of the rents and profits of the testator's real estate received by, &c.

8. An enquiry what incumbrances (if any) affect the testator's real estate, or any and what parts thereof.

(If sale ordered.)

9. An account of what is due to such of the incumbrancers as shall consent to the sale hereinafter directed in respect of their incumbrances.

10. An enquiry, what are the priorities of such last-mentioned incumbrances?

And it is ordered that the testator's real estate be sold with the approbation of the Judge, free from incumbrances (if any) of such incumbrancers as shall consent to the sale, and subject to the incumbrances of such of them as shall not consent.

11. And it is ordered that _____ shall have the conduct of the sale of the real estate, and shall prepare the conditions and contracts of sale, and the abstract of title, subject to the approval of the Registrar, and that in case any doubt or difficulty shall arise the papers shall, with the like approval, be submitted to _____, Esquire, to settle.

12. And it is further ordered that, for the purpose of the enquiries hereinbefore directed, the Registrar shall advertise in the newspapers according to the practice of the Court, or shall make such enquiries in any other way which shall appear to the Registrar to give the most useful publicity to such enquiries.

13. And it is ordered that the above enquiries and accounts be made and taken, and that all other acts ordered to be done be com-

pleted before the day of , and that the Registrar do certify the result of the enquiries and the accounts, and that all other acts ordered are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of .

And it is ordered that the further consideration of this cause be adjourned, and any of the parties are to be at liberty to apply as they may be advised.

[Such part only of this order is to be used as is applicable to the particular case.]

262.

ORDER FOR SALE OF PERSONAL ESTATE.

(Order XXIII., Rule 13.)

It appearing to me that it will be for the benefit of the estate that the remaining outstanding debts be sold, I do order that the debts now due to the estate of *E.F.*, the testator [or intestate] mentioned in the Plaintiff's particulars of claim, be sold as soon as conveniently may be by [the receiver] by private contract [or public auction] for the highest price that can be obtained for the same.

Dated this day of

J.S., Judge.

263.

ORDER FOR SALE OF REAL ESTATE.

(Order XXIII., Rule 12.)

It appearing to me that it is necessary for carrying out the objects of this action that the real estate [or part of the real estate] of the deceased be sold, I do order that all that freehold [copyhold or leasehold] messuage or tenement, &c. [setting out parcels as in last conveyance], being the real [or part of the real] estate of *E.F.*, late of in the county of , deceased, the testator [or intestate] mentioned in the Plaintiff's particulars of claim, be offered for sale by public auction at the Hotel at by Mr. , auctioneer, and be then and there sold [provided the sum bid for the same be not less than £ or] to the highest bidder without reserve.

Dated this day of

J.S., Judge.

264.

ORDER FOR REFERENCE IN FORECLOSURE ACTION BY LEGAL MORTGAGEE.

(28 & 29 Vict. c. 99. s. 1.)

It is ordered that it be referred to the Registrar to take an account of what is due to the Plaintiff for principal and interest on the mortgage mentioned in the plaint (making allowance on one side or the other for any rents or profits received by the Plaintiff and for any sums of money lawfully expended by the Plaintiff about the mortgaged premises), and to tax the Plaintiff's costs of this action, and that the Registrar do certify to the Court on the day of what he shall find to be due for principal and interest as aforesaid and for costs: And upon the Defendant paying into Court what shall be certified to be due to the Plaintiff for principal and interest as aforesaid, together with the said costs, within six months after the Registrar shall have presented his certificate, it is ordered that the Plaintiff do re-convey the said mortgaged premises, free and clear from all incumbrances done by him, or any claiming by, from, or under him, and do deliver up to the Registrar all deeds and writings in his custody or power relating thereto, and that upon such re-conveyance being made, and deeds and writings being delivered up, the Registrar shall pay out to the Plaintiff the said sum so paid in as aforesaid for principal, interest, and costs; but in default of the Defendant paying into Court such principal, interest, and costs as aforesaid by the time aforesaid, then it is ordered that the Defendant do stand absolutely debarred and foreclosed of and from all equity of redemption of, in, and to the said premises, and the Registrar is to settle the conveyance if the parties differ about the same; and it is further ordered that after the expiration of the said six months, the Plaintiff shall be at liberty to apply to the Court for a judgment for the foreclosure of the said mortgage.

[N.B.—Where the state of the account is ascertained at the first hearing, instead of the order of reference to the Registrar, begin, It is declared that the sum of £ is now due to the Plaintiff for principal and interest on the mortgage mentioned in the plaint, and it is ordered that the Registrar do tax the Plaintiff's costs of this action, and that]

265.

ORDER OF SALE IN AN ACTION BY A LEGAL OR EQUITABLE MORTGAGEE OR PERSON ENTITLED TO A LIEN.

(28 & 29 Vict. c. 99. s. 1.)

It is ordered that it be referred to the Registrar to take an account of what is due to the Plaintiff for principal and interest on the mortgage [or equitable mortgage or lien] mentioned in the plaint, and to tax the Plaintiff's costs of this action, and that the Registrar do certify to the Court on the day of what he shall find to be due for principal and interest as aforesaid, and for costs: And upon the Defendant paying into Court what shall be certified to be due to the Plaintiff for principal and interest as aforesaid, together with the said costs, within six months after the Registrar shall have presented his certificate, it is ordered that the Plaintiff [do reconvey the said mortgaged premises free and clear from all incumbrances done by him, or any claiming by, from, or under him, and] do deliver up to the Registrar all deeds and writings in his custody or power relating thereto, and that upon such reconveyance being made, and deeds and writings being delivered up, the Registrar shall pay out to the Plaintiff the said sum so paid in as aforesaid, for principal, interest, and costs; but in default of the Defendant paying into Court such principal, interest, and costs as aforesaid by the time aforesaid, then it is ordered that the said mortgaged premises [or the premises subject to the said equitable mortgage* or lien] be sold with the approbation of the Registrar: And it is ordered that the money to arise by such sale be paid into Court, to the end that the same may be duly applied in payment of what shall be found due to the Plaintiff for principal, interest, and costs as aforesaid, and that the balance (if any) shall be paid to the Defendant.

266.

JUDGMENT FOR FORECLOSURE.

(28 & 29 Vict. c. 99. s. 1.)

Whereas it appears to the Court that the Defendant has not paid into Court the sum which was on the day of last certified by the Registrar to be due to the Plaintiff for principal and interest upon the mortgage mentioned in the Plaintiff's particulars, and for costs, pursuant to the decretal order made in this action on the day of last, and that the period of six months has elapsed since the said day of .

* [*Sic*: query "mortgage."

It is ordered that the Defendant do stand absolutely debarred and foreclosed of and from all equity of redemption of, in, and to the said mortgaged premises.

267.

ORDER IN AN ACTION FOR FORECLOSURE OR SALE WHERE AN IMMEDIATE SALE IS DIRECTED UNDER SECTION 25 OF THE CONVEYANCING AND REAL PROPERTY ACT, 1881.

(44 & 45 Vict. c. 41.)

This action coming on for trial this day, upon hearing, &c., declare that the Plaintiff is entitled to an equitable mortgage for the sum of £ and interest at per cent. upon the premises mentioned in the particulars, and the Plaintiff requesting that an immediate sale of the said mortgaged hereditaments may be directed, and it appearing by the evidence of that the rents of the said mortgaged hereditaments are insufficient to keep down the interest of the said mortgage debt, and that the said hereditaments are an insufficient security for payment of the said mortgage debt and interest, and that it is therefore proper that an immediate sale of the property be ordered without giving the mortgagor the usual time to redeem, it is ordered that the said mortgaged hereditaments be sold, with the approbation of the Judge [directions for sale, &c.], and it is ordered that an account be taken of what is due to the Plaintiff for principal and interest on his said mortgage and for his costs of this action to be taxed, &c., and let the money to arise from the sale heretofore directed be applied in payment of what shall appear to be due to the Plaintiff for principal, interest, and costs as aforesaid and be in the meantime paid into, &c., and let the further hearing of this action be adjourned till . Liberty to either of the parties to apply to the Court as he may be advised.

268.

PARTICULARS IN FORECLOSURE ACTION WHERE DEBT IS UNDER 50*l*. AND PLAINTIFF CLAIMS THAT DEFENDANT MAY BE ORDERED PERSONALLY TO PAY DEBT.

By an Indenture dated the 10th day of May, 1881, made between the defendant of the one part and the Plaintiff of the other part, the Defendant in consideration of 40*l*. advanced to him by the Plaintiff, conveyed to the Plaintiff and his heirs a house and premises situate at Hastings, in the county of Sussex, by way of mortgage to secure the

repayment of the said sum of 40*l.* and interest at five per cent., and the Defendant covenanted with the Plaintiff to repay him the said sum of 40*l.*, together with interest as aforesaid, on the 10th day of November, 1883.

The said sum of 40*l.*, together with an arrear of interest amounting in the whole to 45*l.*, remains due and owing to the Plaintiff.

The Defendant is in occupation of the said mortgaged premises.

The Plaintiff claims that the Defendant may be ordered personally to pay to the Registrar of this Court the said sum of 45*l.*, together with the Plaintiff's costs of this action, and that in default the Defendant may be foreclosed of his equity of redemption of the mortgaged premises.

269.

JUDGMENT IN FORECLOSURE WHERE DEBT IS UNDER 50*l.* AND THE PLAINTIFF CLAIMS THAT DEFENDANT MAY BE ORDERED PERSONALLY TO PAY THE DEBT.

It is this day adjudged that the Plaintiff do recover against the Defendant the sum of £ for debt and £ for costs of this action up to and including the hearing, and it is ordered that the Defendant do pay the same to the Registrar of the Court on the day of , and in case the Defendant do pay the same as aforesaid, it is ordered [*usual direction for reconveyance of the mortgaged property*]; but in default of payment it is ordered that it be referred to the Registrar to take an account of what is due to the Plaintiff for principal and interest on the mortgage of the house in the Plaintiff's particulars mentioned, and to tax the Plaintiff his costs of his action, regard being had in taking the said amount* to the amount (if any) which may be paid by the Defendant or recovered by the Plaintiff under the judgment hereinbefore contained, and it is ordered that the Registrar do certify to the Court on the day of what he shall find to be due to the Plaintiff for principal, interest, and costs. And upon the Defendant paying into Court what shall be certified, &c., &c., within months after the Registrar shall have presented his certificate [*usual direction for reconveyance*]; but in default [*usual direction for foreclosure, see ante, form 265*], and in that event it is ordered that the Defendant do give the Plaintiff possession of the said house.

Liberty to the parties to apply as they may be advised.

* [*Sic*: query "account."]

270.

PARTICULARS IN AN ACTION FOR SPECIFIC PERFORMANCE.

By an agreement in writing the Plaintiff agreed to sell to the Defendant, and the Defendant agreed to purchase of the Plaintiff, a freehold house situate at , to which the Plaintiff is entitled in fee-simple, for the sum of 400*l.*

The said agreement is contained in two letters, dated respectively the 4th and 5th days of March, 1885, the former of each letters, which was addressed to the Defendant, being signed by the Plaintiff, and the latter, which was addressed to the Plaintiff, being signed by the Defendant.

The defendant has refused to perform the said agreement.

The purchase-money does not exceed the sum of 500*l.*

The Plaintiff claims that the said agreement be specifically performed by the Defendant.

The Plaintiff has always been ready and willing and hereby offers specifically to perform the said agreement on his part.

The Plaintiff claims 50*l.* damages from the Defendant for breach of the said agreement.

or,

The Defendant by an agreement in writing dated the 7th day of March, 1885, and signed by him, agreed to grant to the Plaintiff a lease of a cottage and ten acres of land, situate at and called or known as White-house, at the yearly rent of 20*l.* for the term of seven years, commencing from the 25th day of March, 1885.

The Defendant has refused to perform the said agreement.

The Plaintiff has always been ready and willing, and hereby offers specifically to perform the said agreement on his part.

The Plaintiff claims to have the said agreement specifically performed, and to have a lease granted to him accordingly.

The value of the said cottage and land does not exceed the sum of 500*l.*

271.

JUDGMENT IN AN ACTION FOR SPECIFIC PERFORMANCE.

Adjudge that the agreement in the Plaintiff's particulars mentioned ought to be specifically performed and carried into execution, provided a good title can be made to the house therein mentioned and order the same accordingly.

And it is ordered that the following enquiries be made, that is to say (1), an enquiry

whether a good title can be made to the house in the said agreement mentioned; (2), and in case it shall appear that a good title can be made to the said house, an enquiry when it was first shewn that such good title could be made.

And it is ordered that the further hearing of this action be adjourned to , and that either of the said parties be at liberty to apply to the Court as he may be advised.

Further order after enquiry and certificate of good title (1), it is ordered that interest be computed at the rate of five per cent. per annum from the day of , 188 , on the sum of 400*l.*, the purchase-money for the house comprised in the agreement in the Plaintiff's particulars mentioned; (2), and that an account be taken of the rents and profits of the said house received by the Plaintiff or by any other person by his order or for his use, from the said day of , 188 ; in case the Plaintiff is in occupation of the house then add, "and if it shall appear that the Plaintiff has occupied the house then it is ordered that an annual value by way of rent be set thereon, and that the Plaintiff be charged therewith in the account of rents and profits," and that what shall appear to be due on the said account of rents and profits be deducted from the said sum of 400*l.*, and what shall appear to be due to the Plaintiff for interest thereon as aforesaid, and it is ordered that the balance be certified by the Registrar.

If the Court so directs tax the Plaintiff's costs of this action.

And upon the Plaintiff executing to the Defendant at the Defendant's expense a proper conveyance of the said house (such conveyance to be settled by the Judge in case the parties differ), and delivering to the Defendant upon oath all deeds and writings in his custody or power relating to the said house, it is ordered that the Defendant pay into Court the balance payable in respect of the said purchase-money and interest, together with his said costs when so taxed.

Liberty to either of the said parties to apply to the Court as he may be advised.

or

Adjudge specific performance of the agreement (as in previous form, omitting proviso as to title). And it is ordered that the Defendant do execute a lease of the cottage and land comprised in the said agreement for the term therein mentioned to the Plaintiff, the said lease to contain the usual covenants [where a question is raised as to any special covenant being inserted, and also a covenant on the part of the Plaintiff to], and it is ordered that such lease be settled by the Judge in case the parties differ, and it is

ordered that the Plaintiff do execute to the Defendant a counterpart of the said lease. Directions as to costs. Liberty to either party to apply to the Court as he may be advised.

272.

ORDER.—DISSOLUTION OF PARTNERSHIP.

(28 & 29 Vict. c. 99. s. 1.)

It is declared that the partnership set forth in the Plaintiff's particulars between the Plaintiff and Defendant ought to stand dissolved as from the day of , and it is ordered that the dissolution thereof as from that day be advertised in the *London Gazette*, &c.

And it is ordered that be the receiver of the partnership estate and effects in this action, and do get in all the outstanding book debts and claims of the partnership.

And it is ordered that the following accounts be taken:—

1. An account of the credits, property, and effects now belonging to the said partnership.

2. An account of the debts and liabilities of the said partnership.

3. An account of all dealings and transactions between the Plaintiff and Defendant from the foot of the settled account exhibited in this action and marked (A.), and not disturbing any subsequent settled accounts.

And it is ordered that the goodwill of the business heretofore carried on by the Plaintiff and Defendant as in the plaint mentioned, and the stock-in-trade, be sold on the premises, and that the Registrar may, on the application of any of the parties, fix a reserved bidding for all or any of the lots at such sale, and that either of the parties are to be at liberty to bid at the sale.

And it is ordered that the above accounts be taken, and all the other acts required to be done be completed, before the day of , and that the Registrar do certify the result of the accounts, and that all other acts are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of .

And, lastly, it is ordered that the action stand adjourned for giving judgment to the day of .

273.

PARTNERSHIP.

(28 & 29 Vict. c. 99. s. 1.)

Judgment.

It is ordered that the fund now in Court, amounting to the sum of £ , be applied as follows:—

1. In payment of the debts due by the partnership set forth in the Registrar's certificate, amounting in the whole to .

2. In payment of the costs of all parties in this action, amounting to £ . [These costs must be ascertained before the decree is drawn up.]

3. In payment of the sum of £ to the Plaintiff as his share of the partnership assets, and of the sum of £ , being the residue of the said sum of £ now in Court, to the Defendant as his share of the partnership assets.

[Or, And that the remainder of the said sum of £ be paid to the said Plaintiff [or Defendant] in part payment of the sum of £ certified to be due to him in respect of the partnership accounts.

And that the Defendant [or Plaintiff] do, on or before the day of , pay to the Plaintiff [or Defendant] the sum of £ , being the balance of the said sum of £ due to him which will then remain due].

274.

NOTICE OF ORDER TO ABSENT PARTY.

(Order III. Rules 24 and 25.)

Take notice, that on the day of the order of which a copy is hereunto annexed was made in this action, and that from the service of this notice you will be bound by the proceedings in the above action in the same manner as if you had been originally made a party to it, and that you may attend the proceedings under the said order, and that you may apply to the Court to add to the order.

Dated this day of 18 .

Registrar of the Court.

To

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275.

SUMMONS TO PARTIES TO ATTEND UPON TAKING ACCOUNTS.

(Order XXIV. Rule 2.)

Let all parties concerned attend me at my chambers, , on the day of , 18 , at o'clock in the forenoon, to proceed with the accounts and enquiries directed by the judgment or order herein, dated the day of 18 .

Dated this day of .

Registrar of the Court.

276.

NOTICE TO CREDITOR TO PROVE HIS CLAIM.

(Order XXIV. Rule 10.)

You are hereby required to prove the claim sent in by you against the estate of A.B., deceased, by filing such affidavit as you may be advised in support thereof, and by giving notice thereof to me, on or before the day of next, and by attending at my office on the day of 18 , at o'clock in the noon, being the time appointed for adjudicating on the claim.

Dated this day of 18 .

Registrar of the Court.

To

277.

NOTICE TO CREDITOR OF ALLOWANCE OF CLAIM.

(Order XXIV. Rule 11.)

The claim sent in by you against the estate of A.B., deceased, has been allowed at the sum of , with interest thereon at per cent. per annum, from the day of 18 , and for costs.

[If part only allowed, add, If you claim to have a larger sum allowed, you are hereby required to prove such further claim by filing such affidavit as you may be advised in support thereof, and by giving notice thereof to me on or before the day of next, and by attending at my office on the day of 18 , at o'clock in the noon.]

Dated this day of 18 .

Registrar of the Court.

278.

REGISTRAR'S CERTIFICATE.

(Order XXIV. Rule 15.)

In obedience to the order of this Court made in the above action, I hereby certify that the result of the accounts and enquiries [or of the sale and apportionment] which have been taken and made in pursuance of the made in this dated the day of 18 , is as follows:—

The Plaintiffs and Defendants have attended by themselves or by their respective solicitors.

Notice of Order.

Notice of the said order of the day of 18 has been served upon .

The persons so served include all the now living and the personal re-

presentatives of such of them as are dead, except such as are parties to this action, and except hereinafter named.

Service of notice of the said order upon the said was dispensed with.

Personal Estate Account.

The Defendant the executor [or administrator] of the testator [or intestate] named in the said have received personal estate to the amount of £ , and they have paid or are entitled to be allowed on account thereof sums to the amount of £ , leaving a balance due from [or to] them of £ on that account.

References to Account.

The particulars of the above receipts and payments appear in the account marked A. verified by the affidavit of the said Defendant filed the day of , and the account marked B. verified by the affidavit of filed the day of , and which accounts are to be filed with this certificate.

Variations from Accounts.

Except that in addition to the sums appearing in such account to have been received, the said Defendant [or Plaintiff] is [or are] charged with the following sums; (that is to say,) £ , and except that of the items of disbursement in the said account I have disallowed those numbered , and I have deducted from the item numbered the sum of £ , and from the item numbered the sum of £ , and in addition to the disbursements appearing in such account the said Defendant has paid and been allowed the sum of £ .

Special Allowances in Accounts.

The payments allowed to the said Defendant [or Plaintiff] in the said account include the sum of £ paid into Court to the credit of this action, on the day of 18 .

Reference to Transcript of Account.

The before-mentioned account marked A. has been altered, and the account marked A. B., and which is also to be filed with the certificate, is a transcript of the said account marked A. as altered and passed.

No Personal Estate received.

The Defendant the executor [or administrator] of the testator [or intestate] named in the said have not, nor hath any or either of them, or any person or persons by their or any or either of their order, or for their or any or either of their use, received any part of the personal estate of the said testator [or intestate].

Funeral Expenses.

The funeral expenses of the testator [or intestate], amounting to the sum of £ , have been paid and are allowed the Defendant [or Plaintiff] the executor [or administrator] of the said testator [or intestate] in the said account of personal estate [hereinafter mentioned].

Debts.

The debts of the testator [or intestate], including the Plaintiffs] which have been allowed are set forth in the Schedule hereto, and, with the interest thereon, and costs mentioned in the said Schedule, are due to the Plaintiff and the other persons named therein, and amount altogether to . No other person has been allowed, or come in and proved, any debt against the estate of the said testator [or intestate], and the time fixed by advertisement for that purpose has expired.

Such of the said debts as are specialty are set forth in the first part of the said Schedule, and amount to £ ; such as are simple contract are set forth in the second part of said Schedule, and amount to £ .

Interest on Debts.

The interest on such debts is computed down to the date of this certificate, and after the rate of 4l. per centum per annum, from the day of 18 , the date of the said order, unless otherwise specified in the said Schedule.

Legacies and Annuities.

The legacies given by the testator, other than annuities, are set forth in the first part of the Schedule hereto, and, with the interest therein mentioned, remain due to the persons therein named, and amount altogether to £ .

The annuities given by the testator, with the arrears due thereon, are set forth in the second part of the said Schedule. Such arrears amount to £ .

Interest on Legacies.

The interest on such legacies is computed down to the date of this certificate, and after the rate of 4l. per centum per annum, from the day of 18 , the end of one year after the testator's death, unless otherwise specified in the said Schedule.

The arrears of the annuities are computed to the date of this certificate, and from the testator's death, unless otherwise specified in the said Schedule.

Outstanding Estate.

The personal estate of the said testator [or intestate] [not specifically bequeathed]

outstanding or undisposed of consists of the particulars set forth in the Schedule hereto.

Real Estate.

The real estate which the said testator [or intestate] was seized of or entitled to consists of the particulars set forth in the Schedule hereto.

Incumbrances on Real Estate.

The incumbrances affecting the said testator's [or intestate's] real estate are specified in the Schedule hereto.

Rents and Profits Account.

The Defendants [or Plaintiff] , the trustees named in the said decretal order, have received rents and profits of the testator's real estate to the amount of £ , and they have paid or are entitled to be allowed on account thereof sums to the amount of £ , leaving a balance due from [or to] them of £ on that account.

No Rents and Profits received.

The Defendants [or Plaintiff] , the trustees named in the said order, have not, nor hath any or either of them or any person or persons by their or any or either of their order, or for their or any or either of their use, received any sum or sums of money on account of the rents and profits of the testator's [or intestate's] real estate.

Next of Kin.

The next of kin, according to the statutes for the distribution of the effects of intestates, of the intestate named in the said living at the time of his death were of whom the said have since died.

The legal personal representative of the said is .

The legal personal representative of the said is .

The legal personal representative of the said is .

Dated this day of .
Registrar of the Court.

279.

ADMINISTRATION ACTION ORDER ON FURTHER CONSIDERATION.

This action coming on to be heard for further consideration, and upon reading the order of this Court made on the day of , 18 [original order for accounts and enquiries], and the certificate of the Registrar, dated the day of , 18 , made in pursuance of the said order

and the orders of this Court dated the day of 18 and day of 18 ; and upon hearing the solicitors for [names of parties appearing, no one appearing for , though served with notice of the said order] :

It is ordered that the costs of all parties of this action be taxed, including in the costs of the Defendant *G.H.* any costs, charges, and expenses properly incurred by him as executor and trustee of the will of the testator not being costs of suit. And it is ordered that the Defendant *G.H.* be at liberty, out of the sum of £ by the said certificate found due from him on account of the personal estate of the testator, to retain the amount of his said costs when taxed.* And it is ordered that the said Defendant *G.H.* do pay the balance of the said sum of £ found due from him as aforesaid remaining after such retainer as aforesaid into Court to the credit of this action, the account of the testator's personal estate. And it is ordered that the costs of all other parties when taxed be paid out of any moneys in Court to the credit of this action, the account of the testator's personal estate. And it is ordered that out of any moneys standing to the last-mentioned account remaining after providing for the said costs, the debts of the testator included in the schedule to the Registrar's certificate, with interest at 4 per cent. from the foot of the Registrar's certificate, the amount to be verified [state mode of verification], be paid to the creditors when such debts are certified to be due, and that out of any moneys to the credit of the last-mentioned account, after providing for payment of the costs and the debts as aforesaid, the two legacies by his certificate found due to be paid together, with interest at 4 per cent. from the foot of the certificate [state mode of verification], to the said legatees respectively: Declare that according to the true construction of the testator's will the ultimate balance of the testator's personal estate, and the proceeds of the sale of the testator's real estate, are divisible as follows :—

[Order for distribution amongst parties entitled and payment, the shares of infants being carried over to accounts intituled according to circumstances.]

And it is ordered that any of the parties are to be at liberty to apply to the Court as they may be advised.

Dated this day of , 18 .

* If balance in hand of *G.H.* not paid into Court.

280.

NOTICE THAT REGISTRAR'S CERTIFICATE MAY BE INSPECTED.

(Order XXIV., Rule 16.)

Take notice, that the certificate of the result of the enquiries made and accounts taken by me under the order of this Court made on the day of in this action lies in my office and can be inspected by you up to and inclusive of the day of [here insert the day before the cause is to be further heard].

To Registrar of the Court.

281.

PARTICULARS IN AN ACTION FOR PARTITION OR FOR SALE AND DISTRIBUTION OF PROCEEDS.

1. By will dated 1st January, 1870, *D.* devised all his real estate to *E.* his wife for life, with remainder to such of his children as should survive him as tenants in common in fee.

2. *D.* died on the 2nd January, 1871, and his will was proved on the 3rd March, 1871.

3. *D.* left the said *E.* his widow and three children only, viz., the Plaintiff *A.*, the Defendant *B.*, and a daughter *C.*, him surviving.

4. The said *E.*, the widow of the testator, and the tenant for life of the real estate of the testator under his said will, died on the 4th day of April, 1884.

5. The said *C.* married *F.*, and went with her said husband to reside in the United States, and she died there, leaving her husband and three children her surviving. It is not known in whom the one-third part or share of the real estate of the testator by his will devised to the said *C.* is now vested.

6. The real estate of the said testator consists of two houses situate at . . . The value of the said two houses does not exceed 500*l.*

7. A sale of the said two houses and a distribution of the proceeds will be more beneficial than a division of the property.

The Plaintiff claims a sale of the said two houses and a distribution of the proceeds amongst the parties interested.

282.

PRELIMINARY ENQUIRY DIRECTED IN AN ACTION FOR PARTITION FOR THE PURPOSE OF ASCERTAINING WHO ARE THE PERSONS INTERESTED IN THE PROPERTY.

It is ordered that an enquiry be made who are the persons interested in the hereditaments in the particulars in this action men-

tioned, and to what shares and proportions and for what estates and interests, and whether they are parties to this action. And it is ordered that the further hearing of this action be adjourned, and any of the parties are to be at liberty to apply as they may be advised.

283.

ORDER DISPENSING WITH SERVICE OF NOTICE OF JUDGMENT ON PERSONS INTERESTED.

It appearing that notice of the judgment or order on the hearing of this action cannot be served on all the persons on whom that notice is by the Partition Act, 1868, required to be served [or cannot be so served without expense disproportionate to the value of the property to which the action relates], it is, on the request of parties interested in the said property, ordered that service on [name persons] be dispensed with, and instead thereof it is ordered that advertisement be published in [state particulars of advertisements, names of newspapers, &c., &c., and times when to be published] calling upon all persons claiming to be interested in the said property who have not been so served to come in and establish their claims in respect thereof before the Judge within from the day of, &c.

284.

JUDGMENT FOR PARTITION WITHOUT REFERENCE.

Declare that the Plaintiff is entitled to one equal moiety of the two freehold houses mentioned in the Plaintiff's particulars of claim, and that the infant Defendant is entitled to the remaining moiety, and it appearing that the said two houses are of equal value, declare that it will be for the benefit of the infant Defendant that the said two houses be partitioned, divided, and allotted in manner following; that is to say, that the house being No. 1 . . . be allotted to the Plaintiff, and the house being No. . . . be allotted to the infant Defendant, and it is ordered that the said two houses be partitioned, divided, and allotted accordingly. And it is ordered that the Plaintiff and the said infant Defendant hold and enjoy their said moieties in severalty according to such allotment. And it is declared that the said infant Defendant is a trustee within the meaning of the Trustee Acts. And it is ordered that the guardian of the infant Defendant and the Plaintiff do execute mutual conveyances to be settled by the Judge [or

in this action [or matter] that *K.L.* of is entitled to the sum of ; and whereas the said *K.L.* is an infant [or absent beyond seas], and it appearing to the Court that it is desirable that, under the power given to it by section 5 of the Act twenty-eight and twenty-nine Victoria, chapter ninety-nine, *C.D.*, the Defendant in this action [or matter, as the case may be], should be ordered to pay such sum of money to the Assistant Paymaster-General of the Supreme Court, in accordance with the provisions of section thirty-two of the Act thirty-six George the Third, chapter fifty-two, it is ordered that the said do pay the same accordingly, and do within days produce to the Registrar of this Court the certificate of the said Paymaster-General of the payment to him of such money.

By the Court,

Registrar of the Court.

[INDORSEMENT ON LAST ORDER.]

N.B.—Your attention is drawn to the following provisions of the Act 36 Geo. 3. c. 52. and to Order XXXVII. Rule 6, of the County Court Rules, 1885.

Any legacy or sum of money to which any person who is an infant or absent beyond seas may be found or declared entitled by any County Court in any action or matter under that Act may be ordered by the Court to be paid by the Paymaster-General of the Supreme Court, in accordance with the provisions of section thirty-two of the Act thirty-six George the Third, chapter fifty-two; and the person ordered to pay the same shall, within such time as the Court shall direct, produce to the Registrar of the Court the certificate of the Paymaster-General of the payment of such money; and if default be made in such payment the Judge may direct a warrant of execution to issue to the High Bailiff of the Court, who by such warrant shall be empowered to levy or cause to be levied by distress and sale of the goods and chattels of such person a sum of money equal in amount to the sum which he was ordered to pay to the said Paymaster-General and to the costs incurred by reason of such default, and the sum so levied shall be paid to and be receivable by the said Paymaster-General under the direction of the Court.

Order XXXVII. Rule 6.—Where default shall be made in the production of the certificate of the Paymaster-General for the Supreme Court pursuant to the order made by the Judge, the Registrar shall give notice in writing to the Judge of the fact of such de-

fault, and the Judge may thereupon direct a warrant of execution to issue in accordance with section 5 of the County Courts Act, 1865.

289.

ORDER OF TRANSFER OF ACTION OR MATTER TO HIGH COURT OF JUSTICE.

(28 & 29 Vict. c. 99. s. 9.; Order XXXIII. Rules 5, 6.)

Whereas it appearing that the subject-matter of this action [or matter] exceeds in amount the sum of 500*l.*, it is ordered that this action [or matter] be transferred to the High Court of Justice, together with the annexed certificate of the Registrar of this Court, shewing the state of the action [or matter] and the proceedings that have been had therein in this Court.

By the Court,

Registrar of the Court.

290.

NOTICE OF APPLICATION FOR INTERLOCUTORY ORDER IN THE NATURE OF AN INJUNCTION.

(Order XII. Rules 5, 7.)

Take notice, that I, *A.B.*, intend to apply at the sitting of the Court to be held at [or to His Honour Judge

at] on the day of

18 , at o'clock in the noon for an order in the nature of an injunction to restrain *C.D.*, of [or to restrain him from receiving and giving discharges for any of the debts due to the partnership in the matter of the partnership between us, for the winding up of which the action was commenced, or from digging the turf from the land which was agreed to be sold by him to me by the agreement, the specific performance of which this action is commenced to enforce, or, as the case may be].

Dated this day of 18 .
A.B.

To *C.D.*, of .

291.

INTERLOCUTORY ORDER IN THE NATURE OF AN INJUNCTION.

(Order XII. Rules 5, 7.)

The Plaintiff undertaking [by his counsel or solicitor] to abide by any order this Court may make as to damages, in case this Court shall hereafter be of opinion that the Defendant shall have sustained any, by reason of

this order, which the Plaintiff ought to pay: Now, therefore, *C.D.*, the Defendant in this cause, his servants, agents, and workmen, are hereby strictly enjoined and restrained from pulling down or suffering to be pulled down the house being-Number 16, Blank Street, Islington, in the county of Middlesex, and from selling the materials whereof the said house is composed [or from entering into any contract or contracts, and from accepting, drawing, indorsing, or negotiating any bills or bill of exchange, notes or note, or written securities or security, in the name of the partnership firm of , and from contracting any debts or debt, and buying and selling any goods, and from making or entering into any verbal or written promise, agreement, or undertaking, and from doing or causing to be done any acts or act in the name or on the credit of the said partnership firm, or whereby the said partnership firm can or may in any manner become or be made liable to or for the payment of any sums or sum of money, or for the performance of any contract, promise, or undertaking, or, *as the case may be*], until the day after the day upon which the cause shall be heard, or until further order [or until the day of , upon which day this Court will consider whether this order shall be further continued].

Dated this day of 18 .
J.S., Judge.

If you, the said *C.D.* [your servants, agents, or workmen], act in disobedience to this order, you, the said *C.D.*, will be liable to be committed by this Court, and also be liable to have your estate sequestered.

292.

NOTICE TO BE INDORSED ON ORDER UNDER
ORDER XXV. RULE 40.

To *A.B.*, of

Take notice, that unless you obey the directions contained in this order, obedience thereto will be enforced by attachment.

Dated this day of 18 .
Registrar of the Court.

293.

NOTICE OF APPLICATION FOR COMMITTAL.
(Order XXV. Rule 41.)

Take notice, that the Plaintiff *A.B.* will on the day of 18 apply to this Court for an order for your committal to prison for having disobeyed the order of this Court made on the day of

18 enjoining and restraining you [or for having neglected to obey the order made on the day of 18 requiring you] [*here set out the mandatory part of the Order*]; and further take notice that you are hereby required to attend the Court on the first-mentioned day to shew cause why an order for your committal should not be made.

Dated this day of 18 .
E.F., Registrar of the Court.
To *C.D.*, the Defendant.

294.

ORDER OF COMMITTAL FOR BREACH OF AN
ORDER IN THE NATURE OF AN INJUNCTION.

(Order XXV. Rule 42.)

Whereas by an order of this Court, dated the day of 18 [*here recite the order*]: Now, upon the application of the Plaintiff, and upon hearing the Defendant [or if the Defendant does not appear, reading the affidavit of *X.Y.*, or where service has been by bailiff, of *L.M.*, a bailiff of this Court, or the County Court of holden at , shewing, or being satisfied on oath, that a copy of the said order and notice of this application have been severally served upon the Defendant *C.D.*], and upon reading the affidavit of, &c. [*enter evidence*], the Court being of opinion, upon consideration of the facts disclosed by the said affidavit [or affidavits], that the said Defendant *C.D.* has been guilty of a contempt of this Court by a breach of the said order, doth order that the said Defendant *C.D.* do stand committed to [*here insert prison used by the Court*] for his said contempt, and that a warrant of attachment for the arrest of the said *C.D.* be forthwith issued.

It is further ordered that any application for his release from custody shall be made to the Judge.

295.

ORDER OF COMMITTAL FOR NEGLECT TO OBEY
ORDER.

(Order XXV. Rule 42.)

Whereas by an order of this Court, dated the day of 18 [*here recite the order*]: Now, upon the application of the Plaintiff, and upon hearing the defendant, [or if the defendant does not appear, reading the affidavit of *X.Y.*, or where service has been by bailiff, the indorsement of *L.M.*, a bailiff of this Court, or the County Court of holden at , shewing or

being satisfied on oath, that a copy of the said order and notice of this application have been severally served upon the Defendant *C.D.*,] and upon reading the affidavit of, &c. [enter evidence], the Court being of opinion, upon consideration of the facts disclosed by the said affidavit [or affidavits], that the said Defendant *C.D.* has been guilty of a contempt of this Court by neglecting to obey the said order, doth order that the said defendant *C.D.* do stand committed to [here insert prison used by the Court] for his said contempt.

It is further ordered that any application for his release from custody shall be made to the Judge.

296.

WARRANT OF ATTACHMENT.

(Order XXV. Rule 42.)

To the High Bailiff and others the bailiffs of the said Court and all peace officers within the jurisdiction of the said Court, and to the Governor of the [here insert prison used by the Court].

Whereas by an order bearing date the day of it was ordered that the Defendant *C.D.* should stand committed to prison for contempt of this Court:

These are therefore to require you forthwith to arrest and apprehend the Defendant *C.D.*, and him safely convey and deliver to the Governor of the [prison used by this Court], and you, the said Governor, to receive the Defendant *C.D.* until the further order of this Court.

Dated this day of 18 .
E.F., Registrar of the Court.

297.

WARRANT OF ATTACHMENT FOR INSULT OR MISBEHAVIOUR.

(9 & 10 Vict. c. 95. s. 118.)

To the High Bailiff and others the Bailiffs of the said Court, and all Peace Officers within the jurisdiction of the said Court, and to the Governor of the [prison used by the Court].

Whereas at a Court holden on this day *A.B.* wilfully insulted His Honour the Judge during his sitting in Court [or *C.D.*, the Registrar, High Bailiff, bailiff, or officer (as the case may be) of the said Court during his attendance in Court, or wilfully interrupted the proceedings of the said Court, or wilfully misbehaved in the said Court]:

These are therefore to require you, the

said High Bailiff, bailiffs, and others, to take the said *A.B.*, and to deliver him to the Governor of the above-named prison, and you, the said Governor, to receive the said *A.B.* and him safely to keep in the said prison for days from the arrest under this warrant, or until he shall be sooner discharged by due course of law.

Given under the seal of the Court this day of 18 .

Judge of the Court.

298.

NOTICE OF APPLICATION FOR DISCHARGE FROM CUSTODY.

(Order XXV. Rules 43, 44.)

Take notice, that I intend on the day of 18 to apply to this Court [or the Registrar of this Court] to discharge me from custody, I being desirous of clearing my contempt.

Dated this day of 18 .
C.D., Defendant.

To *A.B.*, Plaintiff.

299.

ORDER OF DISCHARGE FROM CUSTODY.

(Order XXV. Rules 43, 44.)

Upon application made this day of by for the Defendant, who was committed to prison for contempt, by order of this Court, dated the day of 18 , and upon reading the affidavit of the Defendant filed the day of 18 , shewing that he is desirous of clearing his contempt, and upon hearing the Plaintiff [or if no one appears for plaintiff, then upon being satisfied that notice of this application has been duly served upon the plaintiff], it is ordered that the said Defendant be discharged out of the custody of the Governor of [here insert name of prison] as to the said contempt, but not as to the costs of the said contempt.

Dated this day of 18 .
E.F., Registrar of the Court.

800.

AFFIDAVIT, UNDER 80 & 81 VICT. c. 142. s. 24.

(Order XXXVIII. Rule 9.)

In the County Court of holden at

In the matter of "The County Courts Act, 1867," and of [add the title of the particular trust, as "the trusts of a certain indenture

of mortgage, dated the day of
and made between A.B. and C.D."']

I, C.D., of [address and description],
make oath and say as follows:—

1. *State place for service, as*—My house
being is the place where I am to be
served with any notice or application rela-
ting to the trust fund hereinafter mentioned.

2. *State the amount of money or stock
proposed to be paid or transferred, or secu-
rity deposited in trust to attend the orders
of the Court, as* under the provisions of the
said Act, I desire to pay into the Post Office
Savings Bank the sum of hereinafter
mentioned.

3. *Set out a short description of the trust
and of the instrument creating it, as* By the
indenture before-mentioned a certain mes-
suage situate at , with the appur-
tenances, was mortgaged by the said A.B. to
me, my heirs and assigns, for securing to me
the repayment on the day of
18 , of the sum of £ , with interest
for the same at the rate of £ per cent. per
annum, and the said indenture contained a
power of sale in case of default in payment,
and it was by the said indenture declared that
the moneys to arise from any such sale
should, after retaining thereout the expenses
of executing the said power, and the said
principal money and interest, be paid to the
said A.B., his heirs or assigns.

The said A.B. died on or about the
day of , and by his will, dated the
 day of , appointed E.F. of,*
executor thereof, and devised the said here-
ditaments, subject to the said mortgage, unto
G.H. of* and J.K. of* in trust for the said
E.F., for his life, and after his death upon
certain trusts for sale, and for the division
of the proceeds amongst the following per-
sons, namely, the testator's son M.N. of,*
and his children or child, and the testator's
daughter O., the wife of P.Q. of,* and her
children or child.

The said E.F. proved the said will in
[state in what Court], and is still living.

The said G.H. never acted in the trusts of
the said will, &c.

On or about the day of , I
sold the said hereditaments by public auction
to X.Y., of [address and description], at the
price of £ .

After retaining out of the said £ the
costs of sale, and the sum of ,
being the total amount of principal moneys
and interest due upon the said mortgage, and
the sum of £ , being the costs of paying

* Here insert present address and description.
If the address of any person interested be un-
known to the trustee, this fact must be set
forth in the affidavit.

the fund into Court, a balance of £ now
remains in my hands, and the sum of £ ,
which I desire to pay into the
Post Office Savings Bank, in trust to attend
the orders of this Court in the said balance
of £ .

4. *State the names of the persons inter-
ested in, or entitled to, the fund, to the best
of the trustee's knowledge or belief, as*—

To the best of my knowledge and belief,
the said G.H. and J.K., as such trustees as
aforesaid, and the said E.F., M.N., and his
children or child [stating, if known, their
names], and O.P. and her children or child
[stating, if known, their names], are the
only persons interested in the said fund.

5. *Add submission to answer enquiries,
as*—

I submit to answer all such enquiries re-
lating to the application of the said fund of
£ as the Court may think proper to
make or direct.

Sworn at, &c.

301.

PETITION.

(30 & 31 Vict. c. 142. s. 24; Order XXXVIII.
Rule 22.)

In the County Court of , holden
at .

In the matter of the County Courts Act,
1867: and

In the matter of the trusts of the will of
A.B., deceased, so far as regards one moiety
of the residuary estate bequeathed to C.D.
and her children.

To His Honour the Judge of the said
Court.

The petition of E.F., of
Sheweth—

1. That G.H., of , under the
provisions of the above-mentioned Act, on
the day of 18 , paid into the
Post Office Savings Bank situate at in
the name of the Registrar of this Court, in
trust to attend the orders of this Court, the
sum of £ .

2. On the occasion of his making the said
payment the said G.H. made an affidavit,
intituled as aforesaid, and sworn the
day of 18 , pursuant to the rules
and orders of the Court. Your petitioner to
save expense has not set forth the contents
of the said affidavit, but your petitioner
craves leave to refer thereto.

3. In addition to the matters stated in the
said affidavit, your petitioner sheweth that
[state any material facts not set forth in the
affidavit, or which it is necessary to state in

correction or qualification of the statements in the affidavit.]

4. Your petitioner is the same person as *C.D.* in the paragraph of the said affidavit named as one of the persons interested in the said trust fund.

5. Your petitioner, under the trusts of the said will of the said *A.B.*, is entitled to the income of the said trust fund during her life.

Your petitioner prays that the dividend and income to accrue due on the said trust fund during the life of your petitioner may be ordered to be paid to her during her life or until further order.

Note.—It is not intended to serve this petition on the person interested in the capital of the said trust fund.

or, where petition is by remainderman after death of tenant for life.

1. That *G.H.*, of _____, under the provisions of the above-mentioned Act, on the _____ day of _____ 18____, paid into the Post Office Savings Bank, situate at _____, in the name of the Registrar of this Court, in trust to attend the orders of the Court, the sum of £ _____.

2. On the occasion of his making the said payment, the said *G.H.* made an affidavit, intituled as aforesaid, and sworn the _____ day of _____ 18____, pursuant to the rules and orders of the Court. Your petitioner to save expense has not set forth the contents of the said affidavit, but your petitioner craves leave to refer thereto.

3. * Your petitioner is the same person as _____ in the _____ paragraph of the said affidavit named as one of the persons interested in the said trust fund,

or,

† Your petitioner is one of the children of *C.D.* in the _____ paragraph of the said affidavit mentioned as being interested in the said trust fund.

4. By an order of the Court made in the above matters on the _____ day of _____ 18____, upon the petition of the said *C.D.*, it was, amongst other things, ordered that the dividends and income thereafter to accrue due during the life of the said *C.D.*, in respect of the said sum of £ _____ should be paid to the said *C.D.* during her life or until further order.

5. The said *C.D.* died on the _____ day of _____ 18____, having duly received all the dividends and income payable to her under the said order, but an apportioned part of the interest accrued on the said sum of £ _____, since the _____ day of _____ 18____, will be payable to the representative of the said *C.D.*

* If named in the affidavit.

† If not named in the affidavit.

6. There were four children of the said *C.D.* entitled, subject to her life interest, to the said trust fund, viz. [*state persons interested in principal moneys*], and your petitioner, as one of such children, is entitled to one fourth share of the said trust fund and the interest accrued in respect thereof since the _____ day of _____ 18____, other than the apportioned part payable to the representative of the said *C.D.* deceased.

Your petitioner prays that the costs of your petitioner and of all other parties to this application may be taxed as between solicitor and client and paid out of the said trust fund other than the said apportioned sum of £ _____, and that the residue of the said trust fund other than as aforesaid may be divided into _____ equal parts, and that one of such parts may be paid to your petitioner.

Note.—It is proposed to serve this petition on the said *G.H.*, and on [*other persons interested in the trust fund.*]

302.

ORDER.

(30 & 31 Vict. c. 142, s. 24. Order XXXVIII., Rule 26.)

In the County Court of _____, holden at _____.

In the matter of the County Courts, 1867; and

In the matter of the trusts of the will of *A.B.*, deceased, so far as regards one moiety of his residuary estate bequeathed to *C.D.* and her children.

Upon the petition of *E.F.*, of _____, and upon reading the affidavit of *G.H.* [*trustee or other person paying money into Court*], and the several affidavits of _____, filed in the above matters and sworn respectively on the _____ day of _____ and

_____ day of _____ [and the order of this Court dated _____*], and upon hearing the solicitor for the Plaintiff and the solicitor for *I.K.*, *L.M.*, *N.O.*, infants under the age of 21 years, appearing as Respondents to the said petition by _____, their guardian *ad litem*, and it appearing that according to the true construction of the will of the said *A.B.*, and in the events that have happened, the moiety of the residuary estate of the said testator bequeathed to *C.D.* and her children has become vested in the said petitioner, and in *I.K.*, *L.M.*, and *N.O.*, in equal shares as tenants in common. It is

* Any previous order on the above matters.

ordered that the costs of all parties appearing on the said petition be taxed; and it is ordered that the said costs when taxed be paid out of the sum of £ standing in the name of the Registrar of this Court in the Post Office Savings Bank at , to the credit of the above matters; and it is ordered that the residue of the said sum of £ remaining after payment of the said costs be divided by the Registrar into four equal parts, and that one of such fourth parts be paid to the petitioner, and that the Registrar do carry over one other of such fourth parts to the separate account of *I.K.*, an infant, his share of the moiety of the residuary estate of *A.B.*, deceased, bequeathed to *C.D.*, and her children [*similar directions as to the remaining two other fourth parts*], and it is ordered that the said *I.K.*, *L.M.*, *N.O.* be at liberty to apply to the Registrar for payment to them respectively of their said shares on their respectively attaining their age of 21 years, and any of the parties are to be at liberty to apply to this Court as they may be advised.

303.

NOTICE OF DAY UPON WHICH PETITION WILL
BE HEARD.

(Order XXXVIII., Rule 2.)

In the matter of

Take notice, that the petition, a sealed copy of which is served herewith, will be heard at a County Court to be holden at on the day of 18 , at the hour of o'clock in the forenoon, and that if you do not attend either in person or by your solicitor at the time and place above mentioned, such order will be made and proceeding taken as the Judge may think just.

Dated this day of .
Registrar of the Court.

To
of

304.

CERTIFICATE IN CASE OF MONEY.

(Order XXXVIII., Rules 14, 15.)

In the matter of the [*trusts of*].

I hereby certify that [*state name, address, and description of party making the application*] has this day filed with me, the Registrar of this Court, an affidavit entitled as

above mentioned, with reference to a trust fund or sum of therein mentioned, which sum, as therein stated, he desires to pay into my name as such Registrar as aforesaid into a Post Office Savings Bank, as provided by the above Act.

305.

CERTIFICATE IN CASE OF TRANSFER OF STOCK.

(Order XXXVIII., Rules 14, 16.)

In the County Court of holden
at .

(Seal.)

In the matter of this

I hereby certify that [*state name, address, and description of party making application*] has this day filed with me, the Registrar of this Court, an affidavit entitled as above mentioned, with reference to a trust fund of £ Bank £3 per Cent. Consolidated Annuities in the books of the Governor and Company of the Bank of England, which, as therein stated, he desires to transfer into the names of the Treasurer and of the Registrar of this Court [*or the Superintendent, &c.*], as provided by the above Act.

Dated this day of 18 .

Registrar of the Court.

306.

ACKNOWLEDGMENT OF FILING OF RECEIPT
OR TRANSFER TICKET.

(Order XXXVIII., Rule 20.)

In the County Court of holden
at .

(Seal.)

In the matter of this

I hereby acknowledge that [*state the name, address, and description of the party giving to the Registrar the receipt of the Post Office Savings Bank, in the case of money, or the transfer ticket in the case of stock,*] has this day delivered to me, the Registrar of the Court, a receipt dated [*name of officer of the Post Office Savings Bank*], for the sum of £ , stating that [*state receipt*] [*or, a transfer ticket of the Governor and Company of the Bank of England*], stating that [*state as in ticket*].

Registrar of the Court.

307.

CERTIFICATE OF DEPOSIT OF SECURITY.

(Order XXXVIII., Rule 20.)

In the County Court of _____ holden
at _____

(Seal.)

In the matter of this

I hereby certify that [*state the name, address, and description of the party depositing with the Registrar the security*] has this day deposited with me, the Registrar of this Court, in the name of myself and the Treasurer [*here state the nature of the security deposited*].

Registrar of the Court.

308.

NOTICE OF PAYMENT INTO POST OFFICE SAVINGS BANK OR OF TRANSFER OF STOCK OR DEPOSIT OF SECURITY.

(Order XXXVIII., Rule 21.)

In the County Court of _____ No. _____
at _____ holden

(Seal.)

In the matter of this

Take notice, that on the _____ day of _____ [*state name, address, and description of party who has paid in the money*] under the said Act paid into the Post Office Savings Bank at _____ in the name of me, the Registrar of this Court, the sum of £ _____, and in his affidavit filed in this Court on the _____ day of _____ shortly described the instrument creating the trust, and stated the names of the persons interested in or entitled to the fund, to the best of his knowledge and belief, as follows; that is to say [*state from the affidavit the paragraph containing the names of the persons interested or entitled*] [*or, "transferred into the names of _____ of _____ and of me, the Registrar of this Court, in the books of the Governor and Company of the Bank of England, the sum of £ _____ Bank £3 per Cent. Consolidated Annuities, in trust to attend the orders of this Court, or deposited with me in the names of _____ of _____ and of me the Registrar of this Court, in trust to attend the orders of this Court* [*here describe security.*"]

And further, take notice, that any person interested in or entitled to the said fund may apply to this Court respecting the investment, payment out, or distribution of the fund, or the income thereof, according to the practice of the Court.

Registrar of the Court.

309.

NOTICE TO TREASURER.

(Order XXXVIII. Rule 18).

No. _____
In the County Court of _____
holden at _____

(Seal.)

In the matter of this

Take notice, that on the _____ day of _____ [*state name, address, and description of party who has deposited the security*] under the said Act deposited with the Registrar of this Court, in the names of yourself and myself, in trust to attend the orders of this Court [*here describe security*].

Registrar of the Court.

To E.F., Treasurer [*or as the case may be*].

310.

LETTER TO COMMISSIONERS OF TREASURY AS TO DRAWING OUT MONEY.

(Order XXXVII. Rule 3.)

(Seal.)

County Court Office,

My Lords,

I have the honour to request that an authority may be addressed to the Postmaster-General to allow me to draw out of the Post Office Savings Bank the sum of £ _____ [*here insert the sum desired to be drawn out, adding, where the sum is not to pay interest*] being the sum I am directed to draw out by order of Court dated the _____ day of _____ 18 ____.

I am, my Lords,

Your obedient servant,

Registrar of the County Court
of _____ holden at _____

311.

NOTICE TO A RESPONDENT UNDER THE AGRICULTURAL HOLDINGS (ENGLAND) ACT, 1883.

(Order XL. Rule 3.)

(The Agricultural Holdings (England) Act, 1883).

In the County Court of _____
holden at _____

Between A.B., Appellant,
and

C.D., Respondent.

Take notice, that you are required within eight days of the delivery of this notice to you to file in Court a statement, signed by you or your solicitor, in reply to the grounds of

2 K

appeal sent herewith, and that your statement must disclose the following matters:

- (1.) Whether you dispute the validity in law of all or any and which of the grounds of objection to the award:
- (2.) Whether you dispute the truth in fact of all or any and which of the grounds of appeal:
- (3.) Whether you admit the validity in law and truth in fact of all or any and which of the grounds of appeal:
- (4.) Whether you pray that the case may be remitted to be reheard:
- (5.) Your name and address, and that of your solicitor, if the statement be delivered through a solicitor.

Dated this day of 18 .

Registrar of the Court.
To the above-named Respondent.

312.

ORDER ON AN APPEAL.

(Order XL. Rule 6.)

The Agricultural Holdings (England) Act, 1883.

In the County Court of
holden at .

In the matter of the County Courts Acts, and
In the matter of the Agricultural Holdings
(England) Act, 1883, and
In the matter of an appeal by *A.B.*

The day of 18 .

Upon the hearing this day of an appeal by
[*name and description of Appellant*] against
an award dated [*state date*] given under the
hand of [*referee's name*] whereby [*state
shortly the substance of the award*], and
on reading the said award, and on hearing
the said *A.B.* and *C.D.*, the Respondent,

It is ordered that [*state order, e.g. :—*] the
said *C.D.* do within fourteen days of the date
of this order pay to the said *A.B.* the sum of
£ and £ for costs, and in default
of such payments at the time aforesaid the
said *A.B.* may proceed to execution.

313.

UNDERTAKING IN WRITING BY DEFENDANT TO PERFORM CONTRACT.

(38 & 39 Vict. c. 90. s. 3.)

(Employers and Workmen Act, 1875.)

In the County Court of
holden at .

(Seal.)

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Whereas it has been found by this Court,
on the day of 18 , that the
Defendant had broken the contract for the
breach of which he was summoned:

And whereas the Court would have awarded
to the Plaintiff the sum of £ by way of
damages suffered by him in consequence of
such breach, and would have ordered him to
have paid such sum, but that the Defendant
was willing to give security for the perform-
ance by him of so much of the said contract
as remains unperformed:

Now, therefore, I, the undersigned Defen-
dant, and we, the undersigned sureties [or the
undersigned surety], do undertake that the
said Defendant will perform so much of the
said contract as remains unperformed, that is
to say [*here set out so much of the contract
as remains to be performed*].

And I, the said Defendant, and we [or I],
the said sureties [or surety], hereby severally
acknowledge ourselves bound to forfeit to
A.B., the Plaintiff, the sum of pounds
and shillings, in case the said Defen-
dant fails to perform what he has hereby
undertaken to perform.

(Signed, *when not taken orally*)

C.D., Defendant.

E.F., { Sureties.
G.H. }

Taken [orally] before me this
day of 18 .

Registrar.

NOTE.—Where the undertaking is given
orally, strike out the words “undersigned”
where they occur, and insert the word
“orally” after “taken.”

314.

CERTIFICATE TO BE GIVEN BY A COUNTY COURT.

(Order XLV. Rule 4.)

(Inferior Courts Judgments Extension Act,
1882).

I, , certify that [*here state name,
business, or occupation and address of person
obtaining judgment, and whether Plaintiff
or Defendant*] on the day of
18 , obtained judgment against [*here state
name, business, or occupation and address
of person against whom judgment was ob-
tained, and whether Plaintiff or Defendant*]
in the County Court of holden at
for payment of the sum of

on account of [here state shortly the nature of the claim with the amount of costs (if any) for which judgment was obtained.]

Registrar.

Date.

INDORSEMENT to be made on Certificate granted by a County Court.

No. of Plaintiff.

Amount for which judgment was obtained	£	s.	d.
Paid into Court			
Remaining due on judgment			
Fee and costs for obtaining certificate of the judgment (45 & 46 Vict. c. 31. s. 4.)			
Total			

NOTE of PRESENTATION to be appended to a Certificate sought to be registered in a County Court.

The above certificate is presented by me for registration in the County Court of holden at , in accordance with the provisions of the Inferior Courts Judgments Extension Act, 1882.

Here insert place &c. in which the goods are.

Solicitor or Creditor.

Address.

Date.

tificate shews that judgment was to be paid by instalments, and it was thereupon ordered by the said Court that the Defendant [or Plaintiff] should pay the same by instalments of for every days.

And whereas the said judgment has been duly registered in this Court, pursuant to the Inferior Courts Judgments Extension Act, 1882: These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the Defendant [or Plaintiff], wheresoever they may be found within the district of this Court (except the wearing apparel and bedding of him or his family and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the Plaintiff [or Defendant] under the said judgment, including the costs of this execution; and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the Defendant [or Plaintiff] which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the Registrar of this Court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court this day of , 18 .

By the Court,

315.

WARRANT OF EXECUTION.

(Order XLV. Rule 10.)

(Inferior Courts Judgment Extension Act, 1882.)

In the County Court of holden at

Between

Plaintiff,

Address and description,* and

Defendant,

Address and description.*

Whereas on the day of 18 , the Plaintiff [or Defendant] obtained a judgment in against the Defendant [or Plaintiff] [here set forth the Court mentioned in the certificate], for payment of the sum of £ for debt and costs [or damages and costs or for costs] add where the cer-

* As given in certificate.

Registrar of the Court.

To the High Bailiff of the said Court and others the Bailiffs thereof.

Amount for which judgment was obtained	£	s.	d.
Paid as stated in certificate			
Costs for obtaining and registering certificate of the judgment (45 & 46 Vict. c. 31. s. 4.)			
Remaining due.			
Poundage for issuing this Warrant			
Total amount to be levied	£		

(19 & 20 Vict. c. 108. s. 46.)

NOTICE.—The goods and chattels are not to be sold until after the end of five days

next following the day on which they were seized, unless they be of a perishable nature, or at the request of the Debtor.

Application was made to the Registrar for this warrant at _____ minutes past _____, the hour of _____ in the _____ noon of the _____ day of _____, 18 .

Here state for the information of the High Bailiff the place, &c., where the goods are stated to be.

316.

SUMMONS.

(Order XLVI., Rule 1.)

Married Women's Property Act, 1882.

You are hereby summoned at the instance of _____, of _____, to appear at a County Court to be holden at _____ on the _____ day of _____, at hour of _____ in the _____ noon, when the Court will proceed to consider the question hereunto annexed, and to make an order with respect to the property in dispute.

Dated this _____ day of _____

Registrar.

317.

PRÆCIPUE ON ENTRY OF PLAINT.

(81 & 32 Vict. c. 71. Order XXXIX., Rule 27.)

Admiralty Jurisdiction.

In the County Court of _____, holden at _____

I, A.B., of [address and description], hereby desire to commence an action for [state the nature of the action], or I, L.M., solicitor, hereby desire to commence an action on behalf of [state name, address, and description of Plaintiff], for [state the nature of the action] against [if the action is instituted in rem, state the name and nature of the property proceeded against, and where it then is; if in personam, state name, address, and description of party proceeded against, the name and nature of the property to which the action relates, and where it is], in the sum of [state sum in letters] pounds. And I consent that all instruments and documents in the said action may be left for me at [state address], [add, where so desired, and I require the summons to be served by the Bailiff of the Court].

Dated this _____ day of _____, 18 .

[To be signed by the party, his solicitor, or the solicitor's clerk for him.]

318.

PRÆCIPUE FOR PERMISSION FOR SUIT TO BE HEARD AT A SPECIAL PLACE.

Admiralty Jurisdiction.

In the County Court of _____, holden at _____

[Title of Action.]

I, A.B., of [address and description] or I, L.M., solicitor for A.B., of [address and description], apply that permission may be granted for the hearing of this action at [here state the name of the place at which and description of the building in which it is desired that the sitting should be held, and if the building is not one in which the County Court ordinarily sits add, and I undertake to hire the use of the said building at my expense, to be allowed as costs in the action if the Court shall allow thereof].

Dated this _____ day of _____, 18 .

[To be signed by the party, his solicitor, or the solicitor's clerk for him.]

319.

SUMMONS IN ADMIRALTY ACTION IN REM.

Admiralty Jurisdiction.

In the County Court of _____ holden at _____

Between A.B. . . . Plaintiff,

and
The owners of the . . . Defendants.
(Seal.)

Whereas an action for [state the nature of the action] has been instituted in this Court, on behalf of A.B. of _____, against the [state description of vessel], called the [name of vessel], (whereof C.D. is now or lately was master), [where action is against vessel and freight add, and the freight due for the transportation of the cargo now or lately laden therein; or where the action is against the vessel, cargo, and freight, add instead thereof, and the cargo now or lately laden therein, together with the freight due for the transportation thereof], in the sum or [state sum in letters] pounds.

You are hereby summoned to enter an appearance in the said action within four clear days of the service hereof.

You are also warned that if you do not enter an appearance as aforesaid, the Judge of this Court will proceed to hear and determine the said action, or to make such orders therein as to him shall seem fit.

Dated this _____ day of _____, 18 .

Registrar of the Court.

To the owners and parties interested
in the [state description and name
of vessel], [or cargo, &c., as the
case may be].

N.B.—The solicitor for A.B. is
of [here state the address given in the
præcipe].

320.

SUMMONS IN ADMIRALTY ACTION IN
PERSONAM.

Admiralty Jurisdiction.

In the County Court of , holden
at

A.B., Plaintiff [address and description].

C.D., Defendant [address and description].

(Seal.)

Whereas an action for [state nature of
action] has been instituted in this Court on
behalf of the Plaintiff against you in the
sum of [state sum in letters] pounds.

You are hereby summoned to enter an
appearance in the said action within four
clear days of the service hereof.

You are also warned that if you do not
enter an appearance as aforesaid, the Judge
of this Court will proceed to hear and deter-
mine the said action, or to make such orders
therein as to him shall seem fit.

Dated this , 18 .

Registrar of the Court.

To the Defendant.

N.B.—The solicitor for the Plaintiff is
of [here state the address given
in the præcipe].

321.

WARRANT OF ARREST AND DETENTION.

Admiralty Jurisdiction.

In the County Court of , holden
at

[Title of Action.]

Whereas an action has been instituted in
this Court on behalf of A.B. of
against [state description and name of
vessel or property] in the sum of [state sum
in letters] pounds: These are therefore to
require and order you to arrest the said
, and to keep the same under safe
arrest until you shall receive further orders
from this Court.

Given under the seal of the Court this
day of , 18 .

By the Court,

Registrar of the Court.

To the High Bailiff of the said Court
and others the Bailiffs thereof.

322.

BAIL BOND.

Admiralty Jurisdiction.

In the County Court of , holden
at

[Title of Action.]

Whereas an action for has been
instituted in this Court on behalf of A.B. of
, against [and against
intervening].

Now, therefore, we [state names, addresses,
and description of sureties] jointly and
severally submit ourselves to the jurisdiction
of the said Court, and consent that if he [or
they] the said shall not pay what
may be adjudged against him [or them] in
the said action, with costs, execution may
issue forth against us, our heirs, executors,
and administrators, our goods and chattels,
for a sum not exceeding [state sum in letters]
pounds.

[Signatures of Sureties.]

The bail bond was signed by the said
, and , the sureties,
the day of , 18 .

Before me,

Registrar of the Court,
or one of his clerks.

323.

ORDER OF RELEASE.

Admiralty Jurisdiction.

In the County Court of holden
at

(Seal.)

[Title of Action.]

You are hereby authorised and directed to
release the now under arrest of this
Court by virtue of its warrant, upon the pay-
ment of all costs, charges, and expenses at-
tending the custody thereof.

Given under the seal of the Court this
day of , 18 .

By the Court,

Registrar of the Court.

To the High Bailiff of the said Court,
and others the Bailiffs thereof.

324.

PRÆCIPUE TO ENTER AN APPEARANCE.

Admiralty Jurisdiction.

In the County Court of holden
at

[Title of Action.]

Enter an appearance for *C.D.* [*address and description*] in the action.

All instruments and documents in the action may be left for the said *C.D.* at [*state address*].

Dated this day of , 18 .
[*To be signed by the Defendant, his solicitor, or the solicitor's clerk for him.*]

325.

NOTICE OF HEARING.

Admiralty Jurisdiction.

In the County Court of holden
at .
(*Seal.*)

[*Title of Action.*]
Take notice, that this action will be heard
at a Court to be holden on the day of
at [*here state where Court is to be held*], at the hour of o'clock in the
noon.

Dated this day of , 18 .

Registrar of the Court.

To the Plaintiff and Defendant.

326.

ORDER OF TRANSFER TO HIGH COURT OF
JUSTICE.

Admiralty Jurisdiction.

In the County Court of holden
at .
(*Seal.*)

[*Title of Action.*]
Whereas it appears that the subject of this
action exceeds the limit in respect of amount
of the Admiralty jurisdiction of this Court
[*or state otherwise as the case may be*], it is
ordered that this action be transferred to the
Probate, Divorce, and Admiralty Division of
the High Court of Justice, together with the
proceedings that have been had therein in
this Court.

Given under the seal of the Court this
day of , 18 .

By the Court,

Registrar of the Court.

327.

ORDER OF TRANSFER TO COUNTY COURT OR
THE HIGH COURT OF JUSTICE.

Admiralty Jurisdiction.

In the County Court of holden
at .
(*Seal.*)

[*Title of Action.*]

Whereas it hath been made to appear that
the action could be more conveniently prose-
cuted in the County Court of
holden at appointed to have Ad-
miralty jurisdiction [*or in the High Court of
Justice*], it is ordered that this action be
transferred to the said Court, together with
the proceedings that have been had therein
in this Court.

Given under the seal of the Court this
day of , 18 .

By the Court,

Registrar of the Court.

328.

JUDGMENT IN PERSONAM.

Admiralty Jurisdiction.

In the County Court of holden
at .
(*Seal.*)

[*Title of Action.*]

It is this day adjudged that the Plaintiff
A.B. of do recover against the
Defendant [*or Defendants*] *C.D.* of
the sum of pounds [*in an action for
salvage, for services rendered to [state de-
scription and name of vessel]; or in an
action for towage, for services rendered in
towing the [state description and name of
vessel]; or in an action for necessities, for
necessaries supplied to the [state description
and name of vessel]; or in an action for
wages, for wages in respect of services ren-
dered on board the [state description and
name of vessel]; or in an action for damage
to cargo, for damage caused to the cargo
carried in the [state description and name
of vessel]; or in an action for damage by
collision, for damage caused to the [state de-
scription and name of vessel] by the Defen-
dant's vessel the [state the description and
name of the vessel which caused the da-
mage], together with the costs of this action.*

And it is ordered that the Defendant [*or
Defendants*] do pay the same to the Plaintiff
or his solicitor within days [and
that in default thereof the Registrar shall
upon the application of the Plaintiff or his
solicitor issue a warrant of execution against
the vessel or property of the Defendant].

Given under the seal of this Court this
day of , 18 .

By the Court,

Registrar of the Court.

829.

JUDGMENT IN REM.
Admiralty Jurisdiction.

In the County Court of holden
at . (Seal.)

[Title of Action.]

It is this day adjudged that the Plaintiff A.B. of do recover the sum of pounds [in an action for salvage, for services rendered to [state description and name of vessel]; or in an action for towage, for services rendered in towing the [state description and name of vessel]; or in an action for necessaries, for necessaries supplied to the [state description and name of vessel]; or in an action for wages, for wages in respect of services rendered on board the [state description and name of vessel]; or in an action for damage to cargo, for damage caused to the cargo carried in the [state description and name of vessel]; or in an action for damage by collision, for damage caused to the [state description and name of vessel] by the Defendant's vessel the [the description and name of the vessel which caused the damage]; together with the costs of this action.

And it is ordered that [insert such directions as may be given by the Judge].

Given under the seal of this Court this day of , 18 .

By the Court,

Registrar of the Court,

830.

PRÆCIPUE FOR A WARRANT OF EXECUTION.
Admiralty Jurisdiction.

In the County Court of holden
at . (Seal.)

[Title of Action.]

Issue a warrant of execution against the goods of C.D. of [address and description], who was ordered by this Court on the day of , 18 , to pay to the Plaintiff the sum of pounds for [here insert for what the sum was ordered to be paid], and who has not paid the said sum as so ordered.

Dated this day of , 18 .

[To be signed by the party, his solicitor, or the solicitor's clerk for him.]

331.

WARRANT OF EXECUTION AGAINST THE VESSEL
OR PROPERTY OF DEFENDANT.
Admiralty Jurisdiction.

In the County Court of holden
at . (Seal.)

[Title of Action.]

Whereas, on the day of , 18 , the Plaintiff obtained a judgment in this Court against the Defendant for the sum of £ for and costs; and it was thereupon ordered by the Court that the Defendant should pay the same to the Plaintiff on the day of .

And whereas default has been made in payment according to the said order: These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels, including the [state description and name of vessel] of the Defendant, wheresoever they may be found within the district of this Court (except the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the Plaintiff under the said order, including the costs of this execution; and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the Defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the Registrar of this Court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court this day of , 18 .

By the Court,

Registrar of the Court.

To the High Bailiff of the said Court, and others the Bailiffs thereof.

	£	s.	d.
Amount for which judgment was obtained			
Costs			
Poundage for issuing this warrant			
Total amount to be levied £			

332.

ORDER FOR TRANSFER OF SALE TO HIGH COURT OF JUSTICE.

Admiralty Jurisdiction.

In the County Court of _____ holden
at _____

(Seal.)

[Title of Action.]

Whereas in an action instituted in this Court on behalf of A.B., of _____ against [state name of Defendant] the Judge of this Court has ordered [here insert the terms of the order]. And whereas the Plaintiff [or Defendant] in the said action is desirous that the sale of the vessel should be conducted in the Probate, Divorce, and Admiralty Division of the High Court of Justice, and has given security for the sum of ten pounds: Now I, A.B., the Plaintiff [or C.D., the Defendant, or L.M., Solicitor], pray that an order to transfer the proceedings for sale to the said Division of the High Court of Justice do issue.

Dated the _____ day of _____ 18 .
[To be signed by the party, his Solicitor, or the Solicitor's clerk for him.]

I hereby certify that the security above mentioned has been duly completed.

Registrar of the Court.

I hereby order the transfer to be made as prayed.

Judge of the Court.

333.

PRÆCIPUE FOR PAYING IN MONEY.

Admiralty Jurisdiction.

[Title of Action.]

In the County Court of _____ holden
at _____

I, A.B., of [address and description], or L.M., solicitor for A.B., of [address and description], do pay the sum of [state sum in letters] pounds into Court in this action [when paid by solicitor, add at the request and by the authority of the said A.B., he having agreed to pay [or tender] the same] in settlement of the claim of the Plaintiff [or, as the case may be].

Dated the _____ day of _____ 18 .
[To be signed by the party, his solicitor, or his clerk for him.]

334.

SOLICITOR'S ACCEPTANCE OF SERVICE OF SUMMONS AND UNDERTAKING TO APPEAR, AND TO PUT IN OR GIVE BAIL, &C., &C., TO BE INDORSED BY HIM ON SUMMONS.

I, L.M., of [address], solicitor for C.D., of [address and description], accept service

hereof, and I undertake to appear for the said C.D., according to the exigency of the within summons, and I also undertake within _____ days from the date hereof to put in or give bail herein in a sum not exceeding [state amount for which undertaking given] pounds, or to pay such sum into the County Court of _____ holden at _____, and I consent that all instruments and other documents in this action may be left for me at _____

Dated this _____ day of _____ 18 .
[To be signed by the Solicitor.]

335.

SUMMONS TO ASSESSORS.

Admiralty Jurisdiction.

(Seal.)

In the County Court of _____ holden
at _____

[Title of Action.]

You are hereby summoned to appear and serve as an assessor in this Court at the _____ on the _____ day of _____ 18 , at the hour of _____ in the _____ noon, to assist the Judge of this Court in the hearing and determining of this action, and in default of attendance you will be liable to a penalty of a sum not exceeding five pounds under section 15 of the County Courts Admiralty Jurisdiction Act, 1868.

Dated this _____ day of _____ 18 .
Registrar of the Court.

To _____
of _____

336.

ORDER FINING AN ASSESSOR FOR NON-ATTENDANCE.

Admiralty Jurisdiction.

In the County Court of _____ holden
at _____

(Seal.)

[Title of Action.]

Whereas _____ was duly summoned to appear and serve as an assessor at a Court holden at _____ on the _____ day of _____ 18 , and whereas he has neglected, without sufficient cause shewn, to appear and serve as required: It is hereby ordered that he shall forthwith [or on the _____ day of _____ 18] pay to the Registrar of this Court a fine of £ _____ for such neglect.

Given under the seal of the Court this _____ day of _____ 18 .

By the Court,

Registrar of the Court.

337.

ADMIRALTY ACTIONS BOOK.

Pro formâ.

DATE			
Day	Month	Year	
10	Feb.	1869	Action for damage by collision, instituted on behalf of <i>A.B.</i> , of against the schooner named the <i>Kate</i> , lying at within the district of the Court in the sum of 200 <i>l</i> .
10	Feb.	1869	Solicitor for the Plaintiff, <i>Mr. L.M.</i> , of Application made for arrest; affidavit filed; warrant issued, the evidence being satisfactory.
11	Feb.	1869	Application for Judge's permission for action to be heard at
13	Feb.	1869	Permission granted.
15	Feb.	1869	Appearance entered by <i>C.D.</i> , of Solicitor for Defendant, <i>R.S.</i> , of
18	Feb.	1869	The action having been heard the Court adjudged that [<i>here set forth the judgment</i>]. <i>If any further proceedings had, they should be entered in the same manner.</i>

338.

SUMMONS.

(Order XLVIII., Rule 4.)

The Charitable Trusts Act, 1853.

In the County Court of
holden atIn the matter of [*title of Charity*].

No. of Charity.

[*Name, description, and address of party to be summoned.*] You are hereby summoned to appear at a County Court to be holden at on the day of 18 at the hour of in the forenoon, upon the hearing of an application which has been made to the Court in the matter of the above Charity, by which it is suggested [*here state substance of order, certificate, or statement*]. And you are informed, that if you do not attend pursuant to the requisition of this summons, the Court may proceed in the matter in your absence, and make such order as may appear just therein. And you are further informed, that if you do not obey such order, you will be liable to be imprisoned by order of the Court.

Registrar of the Court.
Dated this day of 18 .

339.

NOTICE TO ATTEND PROCEEDINGS.

(Order XLVIII., Rule 5.)

The Charitable Trusts Act, 1853.

In the County Court of holden
at

VOL. 55.—ORDERS AND RULES.

In the matter of [*title of Charity*].

No. of Charity.

[*Name, description, and address of party to whom notice is to be given.*] Take notice, that the hearing of an application in the matter of the above Charity, by which it is suggested [*here state substance of order, certificate, or statement*], will take place on the day of 18, at the above County Court.

The object of this notice is that if you are desirous of attending the said hearing, you are at liberty to do so, and you may be heard in support of any objection you have to such proceedings in respect of the above Charity.

But if you do not attend at the hearing, you will not be subject to any costs or penalty in respect of such non-attendance.

Registrar of the Court.
Dated this day of 18 .

340.

NOTICE OF HEARING.

(Order XLVIII., Rule 7.)

The Charitable Trusts Act, 1853.

In the County Court of holden
atIn the matter of [*title of Charity*].

No. of Charity.

[*Name, description, and address of party to whom notice is to be given.*] Take notice, that the hearing of the application in the matter of the above Charity is appointed to

2 L

take place at this Court on the day of
18 . *

Registrar of the Court.
Dated this day of 18 .

* This should be at the earliest convenient sitting of the Court.

The book in which the record is kept should be paged throughout, and have an alphabetical index at the end. The names of the Charities should be arranged in the index alphabetically, and the numbers of the pages in which any proceedings are recorded should be given at the end of the names.]

341.

FORM OF CHARITABLE TRUSTS BOOK RECORD.
(Order XLVIII., Rule 12.)

The Charitable Trusts Act, 1853.

ASHLEY, Lady, Charity of. In the matter
of
No. 1.

On the day of , 18 , an order [certificate or statement, as the case may be] was produced by [state the party producing or transmitting it], and the same has been numbered 1 [or, as the case may be, according to the priority of production to the clerk].

On the day of , 18 , a summons [or other process, as the case may be] was issued and directed to be served by post [or otherwise, as the case may be] on [state the parties], requiring him [her or them, as the case may be] to appear at this Court on the day of , 18 .

At a Court holden on the day of 18 appeared [state parties appearing, or reasons for not appearing, and whether they appeared by counsel or otherwise. If any adjournment takes place, state the cause thereof, and adjournment, and until when adjourned; then on the adjournment day, proceed in a similar manner as on the first day of hearing; and the same on every successive adjournment day. When the matter is finally disposed of, then proceed]—

The matter having been heard, the Court made the following order: [Here state the order. If any other proceedings, whether before or after the final order, are taken in the matter, they must be recorded in a similar manner in their proper places. It will not be necessary to set forth on the record any of the evidence, as that will appear on the Judge's notes; but any document produced, or any copy thereof, which the Judge requires to be filed, should be filed along with the other papers relating to the matter.]

[When the record of proceedings in any Charity occupies more than one page, the record may be continued on the next blank page, and a reference should be made from such previous page to such next page, and from such next page to such previous page.

342.

ORDER FOR THE REMOVAL OR APPOINTMENT OF A TRUSTEE, OR REMOVAL AND APPOINTMENT OF A TRUSTEE; VESTING THE ESTATES OF A CHARITY IN A TRUSTEE; AND APPROVING A SCHEME.

The Charitable Trusts Act, 1853.

In the County Court of holden
at .

In the matter of [title of Charity].
No. of Charity.

Upon the application of [name, description, and address of applicant] to [here state the substance of the application authorised by the order or certificate; but in the case of a scheme only refer to it as "a certain scheme for regulating or directing the administration of the said Charity"], and upon hearing the matter of the said application:

It is ordered that [name, description, and address] one of [or the trustee] the trustees of the above Charity be removed [or that [name, description, and address] be appointed a trustee of the said Charity] [or that [name, description, and address] one of the trustees [or the trustee] of the said Charity be removed, and that [name, description, and address] be appointed a trustee instead of the said [name of removed trustee]: And it is further ordered that [state property and rights of the Charity as described or indicated in the order or certificate] do vest in the said [names of trustees in whom the said property and rights are to vest]: And it is further ordered that the scheme set forth in the schedule hereunto annexed for the regulating [or directing] the administration of the said Charity be approved and established.

Given under the seal of the Court this
day of , 18 .

By the Court,
Registrar of the Court.

Schedule referred to in the foregoing order.

[Here insert scheme approved of.]

This is the schedule referred to in the above order.

[Registrar's signature.]

** Where the application to the Court does not embrace all the subjects of the above form, such part may be adopted as is applicable to the exigency of the case.

343.

ORDER UNDER SECTION 48.

The Charitable Trusts Act, 1853.

In the County Court of holden
at

In the matter of [*title of Charity*].
No. of Charity.

Upon the application of [*name, description, and address of applicant*] to [*here state the substance of the application authorised by the order or certificate*] and upon hearing the matter of such application :

It is ordered that the [*here describe the estates of the Charity as described or indicated in the order or certificate*] holden in trust for the above-mentioned Charity do vest in "The Treasurer of Public Charities," and his successors in trust, for the said Charity.

[*Where any periodical or other payment is directed with respect to any copyhold land, add as to a periodical payment the following clause*]: And it is further ordered, with the consent of the [*name, description, and address of the Lord of the Manor wherein the estates are situated*] that the sum of £ be paid by [*name, description, and address of person ordered to pay*] to the said Lord of the Manor of on the day of next, and on the same day in each succeeding year [*as the case may be*] in compensation for fines or other profits which would have become due upon the death or admittance of the tenants of such land, being part of the said manor holden upon trust for the said Charity.

Given under the seal of the Court this day of , 18 .

By the Court,

Registrar of the Court.

344.

ORDER UNDER SECTION 51.

The Charitable Trusts Act, 1853.

In the County Court of holden
at

In the matter of [*title of Charity*].
No. of Charity.

Upon the application of [*name, description, and address of applicant*] to [*here state the substance of the application authorised by the order or certificate*], and upon hearing the matter of the said application,

It is ordered that [*names, descriptions, and addresses*] [*where they are personal representatives, insert "the executors [or administrators] of [name, description, and address] deceased"*] do transfer the £ Bank £3 per Centum Annuities or Reduced

Annuities, or £3 5s. per Centum Annuities, or Bank Stock, promissory note, bill of exchange, bond, debenture, or other security [*as the case may be*], standing in the name [*or names*] [*insert the names, descriptions, and addresses of the persons in whose names the stock is standing*], into the names of [*names of Official Trustees*].

[Where securities are to be deposited, vary the preceding order, commencing with the words "do transfer," and substitute the following: do deposit the following Exchequer bills, dated, that is to say, No. 1,806 for £500, No. 772 for £50, &c., or any other Exchequer bills, for which the same may be exchanged [*as the case may be*] with [*names of Official Trustees*].]

Given under the seal of the Court this day of , 18 .

By the Court,

Registrar of the Court.

345.

ORDER FOR PAYMENT OF MONEY BY ANY TRUSTEE OF ANY CHARITY OR ANY PERSON HOLDING MONEY BELONGING TO ANY CHARITY.

The Charitable Trusts Act, 1853.

In the County Court of holden
at

In the matter of [*title of Charity*].
No. of Charity.

Upon the application of [*name, description, and address of applicant*] to [*here state the substance of the application authorised by the order or certificate*], and upon hearing the matter of the said application,

It is ordered that [*name, description, and address*] do on or before the day of , 18 , pay the sum of £ [*with interest thereon (if any)*] to [*state party or account*].

Given under the seal of the Court this day of , 18 .

By the Court,

Registrar of the Court.

346.

NOTICE OF SURETIES.

The Charitable Trusts Act, 1853.

In the County Court of holden
at

In the matter of [*title of Charity*].

Take notice, that the sureties whom I propose as my sureties on the appeal in the above matter are [*here state the full names and additions of the sureties, whether housekeepers or freeholders, and their residences*]

for the last six months, therein mentioning the county or city, places, streets, and numbers, if any].

BOND.

Know all men by these presents that we [names, descriptions, and addresses], and [names, descriptions, and addresses] are jointly and severally bound to [name, description, and address of obligee] in £ of good and lawful money of Great Britain, to be paid to the said [name of obligee] or his certain attorney, executors, administrators, or assigns. For which payment to be made we bind ourselves and each (and every) of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals, and dated this day of one thousand eight hundred and

Whereas an order, dated the day of , 18 , was made in the matter of [name] Charity by the County Court of holden at and [name, description, and address of Appellant] states himself to be aggrieved by [or dissatisfied with] the said order, and has given notice of appeal pursuant to the Charitable Trusts Act, 1853, and the practice of the Court: And whereas the Charity Commissioners of England and Wales have required that the said [Appellant] should, together with two sufficient sureties, become bound to [person whom the Commissioners direct to be obligee] in the sum of £ to pay such costs of the proceedings on the appeal as shall be ordered to be paid by the said Appellant [if required by the Commissioners, and also to indemnify the Charity against the costs and expenses of and attending such appeal].

And whereas the above-named [names, descriptions, and addresses of sureties], at the request of the said [name of Appellant], have agreed to enter into the above written obligation for the purpose aforesaid, and the security intended to be given has been approved of by [name of clerk]:*

Now the condition of this obligation is such, that if the above bounden [names], and any or either of them, shall pay unto the said [name of the obligee], his executors, administrators, or assigns, the costs of the said appeal, as the said Court of Appeal shall order, then this obligation shall be void, otherwise to remain in full force and virtue.

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

Signed, sealed, and delivered by the above bounden, in the presence of .†

* I approve of this bond. (L.S.) J.K.

† This requires a stamp.

347.

(Fee Stamp,
16s. 8d.)

APPLICATION FOR GRANT OR REVOCATION.

(Order XLIX. Rule 1.)

The Court of Probate Act, 1857.

I, A.B., of [or C.D., Solicitor of A.B., of] do hereby apply to the above Court for a decree to be made, according to the provisions of the above Act, for the grant [or revocation] of probate of the will [or letters of administration in the goods] of [here insert name and address of testator or intestate]; and I hereby state that the person who has applied for probate or letters of administration [or who has obtained probate or letters of administration, or is the party against whom this application is made] is E.F., of

A.B. [or C.D., Proctor or
Solicitor, of A.B. of .]

348.

NOTICE TO DEFENDANT.

(Order XLIX. Rules 4, 11.)

The Court of Probate Act, 1857.

In the County Court of holden
at

Between A.B., Plaintiff,
[Address,]
and
C.D., Defendant,
[Address.]

Take notice, that at a County Court to be holden at on the day of in the hour of in the noon, the Court will proceed to make a decree for the grant [or revocation] of probate of the will [or letters of administration in the goods] of [here insert name and address of testator or intestate] unless cause be then shewn to the contrary; and you are hereby informed, that if you do not attend on that day, the Court may proceed to make such decree in your absence.

Dated this day of 18 .
To the Plaintiff [or Defendant].

Registrar of the Court.
Hours of attendance at the office of the Registrar [place of office] from ten till four, except on when the office will be closed at one.

349.

NOTICE TO PROBATE DISTRICT REGISTRAR.

(Order XLIX. Rule 7.)

The Court of Probate Act, 1857.

In the County Court of holden
at

Between A.B., Plaintiff,

and

C.D., Defendant.

Whereas an application has been made to this Court to revoke the grant of probate of the will [or letters of administration granted by you in the goods] of [*here insert the name and address of the testator or intestate*]; and whereas the matter of such application will be considered by this Court on the day of at the hour of in the noon, I therefore request that you will cause to be produced before the Court on that day [the will * and] all documents which are in your possession relating to the matter.

Dated this day of 18 .
 Registrar of the Court.

Hours of attendance at the office of the Registrar [*place of office*] from ten till four, except on when the office will be closed at one.

* To be left out where administration without will annexed has been granted.

350.

(Fee Stamp,
40s.).

CERTIFICATE OF REGISTRAR.

(Order XLIX. Rule 8.)

The Court of Probate Act, 1857.

[*Heading as in Form 333.*]

I, A.B., Registrar of the above Court, do

hereby certify that the following decree was made in the above cause.

[*Here set out the Decree.*]

Certified under the Seal of the Court this day of .

Registrar of the Court.

351.

DECREE.

(Order XLIX. Rule 10.)

The Court of Probate Act, 1857.

[*Heading as in Form 334.*]

Upon the hearing of the application in this cause at a Court holden this day, it is decreed as follows:

[*here set out the Decree*],

and it is ordered, that the do pay the sum of for the 's costs, and that the same be paid to the Registrar of this Court on the day of 18 .

Given under the seal of the Court this day of 18 .

By order of the Court,

Registrar of the Court.

Hours of attendance at the office of the Registrar [*place of office*] from ten till four, except on when the office will be closed at one.

[*As the forms relating to Charitable Trusts and Probate matters will seldom be required, they are not to be printed, but are to be written on foolscap paper.*]

ALLOWANCES TO WITNESSES NOT BEING PLAINTIFFS.

Gentlemen, merchants, bankers, and professional men, <i>per diem</i>	from	£	s.	d.	to	£	s.	d.
Tradesmen, auctioneers, accountants, veterinary surgeons, clerks, and yeomen, <i>per diem</i>	from	0	15	0	to	1	1	0
Artisans and journeymen, <i>per diem</i>	from	0	7	6	to	0	15	0
Labourers, and the like, <i>per diem</i>	from	0	4	0	to	0	7	6
Travelling expenses, sum reasonably paid, but not more than sixpence per mile, one way.	from	0	3	0	to	0	4	0

If the witnesses attend in more than one cause, they will be entitled to a proportionate part in each cause only.

ALLOWANCES TO WITNESSES WHO ARE PLAINTIFFS.

Travelling expenses, sum reasonably paid, but not more than sixpence per mile, one way, where resident more than two miles from Court House.

ALLOWANCES TO SCIENTIFIC WITNESSES.

	If Costs taxed on Scale exceeds 20%.	If on Scale exceeds 100%.
	£ s. d.	£ s. d.
For qualifying to give evidence	1 1 0	1 1 0
	to	to
Attending Court on trial, <i>per diem</i>	3 3 0	5 5 0
	1 1 0	1 1 0
	to	to
	2 2 0	3 3 0
In estimating the amount to be allowed, the character of the action, the professional standing of the witnesses, the propriety of retaining the particular witness are to be considered, and in no case is the maximum allowance to be exceeded.		
Travelling expenses to be allowed as in the case of an ordinary witness.		

The above allowances shall not apply to persons who prepare plans, drawings, models, &c. for the purpose of illustration, and who if called at the trial prove the correctness of such plans, drawings, models, &c. only, but in lieu thereof there may be allowed the sum reasonably paid for the same, and all tracings and copies thereof not exceeding the sums mentioned in item 82 of the higher scale of costs.

Any such person shall be allowed for his attendance at the trial upon the scale applicable to ordinary witnesses.

FORM OF BOOKS REFERRED TO IN ORDER II.

BOOK A.—ORDINARY AND DEFAULT

Plaints, Minutes of Judgments, Orders,

Date of entry of Plaintiff, &c., or Counter-claim	Number of Plaintiff, &c., or Counter-claim			Name, Residence, and Trade of		Miles from Court House	Particulars of Debt or Claim	Amount claimed, or value of subject- matter		Fees on entering Plaintiff, &c.	Fees Sched. "B" (Part 1)			Amount paid into Court before Judgment	No. of Plaintiff, &c. (repeated)
	Ordinary Sam- mons No.	Default Summons		Plaintiff	Defendant			Debt or Claim	Solicitor's Costs charged on the Summons		Registrar	Home Bailiff	Foreign Bailiff		
		No.	By whom served												
								£ s. d.	£ s. d.	£ s.	s.	s.	s.	£ s. d.	

BOOK B.—ORDINARY

Plaints, Minutes of Judgments, Orders,

at a Court holden at _____ on the _____ day

Name, &c., of Plaintiff's Solicitor.	Date of entry of Plaint, &c., or Counter- claim	No. of Plaint, &c.	Name, Residence, and Trade of		Miles from Court House	Particulars of Debt or Claim	Amount claimed, or value of subject- matter		Fee on entering Plaint, &c.	Registrar's Fees — Sched. "B" (Part 1)	No. of Plaint, &c. (repeated)
			Plaintiff	Defendant			Debt or Claim	Solicitor's Costs charged on the Summons			
							£ s. d.	£ s. d.	£ s.	£ s.	

BOOK C.—DEFAULT

Plaints, Minutes of Judgments,

Name, &c., of Plaintiff's Solicitor	Date of entry of Plaint, &c., or Counter- claim	Default Summonses		Name, Residence, and Trade of		Miles from Court House	Particulars of Debt or Claim	Amount claimed		Fee on enter- ing Plaint	Fees Schedule "B" (Part 1)		
		No. of Plaint	By whom served	Plaintiff	Defendant			Debt or Claim	Solicitor's Costs obarged on the Summons		Registrar	High Bailiff, Home Court	High Bailiff, Foreign Court
								£ s. d.	£ s. d.	£ s.	s.	s.	s.

SUMMONSES, &c.

and other Incidental Proceedings.

Date fixed for Hearing	Nature of Defence — Date when Notice of Defence or Leave to Defend filed	By whom Jury required	Appearance		Folio in Ledger	Amount of Judgment			For whom Judgment given	Order	Date when Default Summons served	Dates of entering up Judgment by Default, of filing Order in nature of Decree, of filing Order on Interlocutory Proceedings	Fees on		Name, &c. of Plaintiff's Solicitor
			Plaintiff	Defendant		Debt or Claim	Solicitor's Costs, Witnesses &c.	Total Costs					Hearing	Consent of Admission	
						£ s. d.	£ s. d.	£ s. d.					£ s.	£ s.	

SUMMONSES.

and other Incidental Proceedings.

of , 18 , before His Honour Judge

, of the said Court.

Amount paid into Court before Judgment	Nature of Defence — Date when Notice of Defence, or Leave to Defend, filed	By whom Jury required	Appearance		Folio in Ledger	Amount of Judgment			For whom Judgment given	Order	Date when Order in nature of Decree, or on Interlocutory Proceeding, filed	Fees on	
			Plaintiff	Defendant		Debt or Claim	Solicitor's Costs, Witnesses, &c.	Total Costs				Hearing	Consent or Admission
£ s. d.						£ s. d.	£ s. d.	£ s. d.				£ s.	£ s.

SUMMONSES.

and other Incidental Proceedings.

Amount paid into Court before Judgment	Date fixed for Hearing	Nature of Defence — Date when Notice of Defence, or Leave to Defend, filed	By whom Jury required	Folio in Ledger	Amount of Judgment			Order	Date when Summons served	Date of entering up Judgment by Default	No. of Plaints, &c. (repeated)
					Debt or Claim	Solicitor's Costs	Total Costs				
£ s. d.					£ s. d.	£ s. d.	£ s. d.				

BOOK D.—PLAINT BOOK (where neither Books A nor B are used).

Plaints for Summonses, returnable at a Court to be held at _____ on the _____ day of _____ 18____, and Minute of Interlocutory Proceedings thereon.

Date	Number	Plaintiff	Residence	Trade	Defendant	Residence	Number of Miles of Defendant's Residence from Court House	Trade	Particulars of Debt or Claim	Amount claimed	Amount paid into Court before Judgment	Notice of a Defence	Fee on entering Plaintiff's Solicitor	Name, &c., of Plaintiff's Solicitor
	1									£ s. d.	£ s. d.	*	£ s.	
	2													
	3													
	4													
	5													
	6													
	7													
										These additions to be carried to Summary at end of each Month.†				

* In this column can be entered the day on which notice of service or non-service should be given under section 29 of 19 & 20 Vict. c. 108.
† These additions will facilitate the making of statistical returns to Parliament.

BOOK F.—DEFAULT SUMMONSES.

Court Fees on entering Judgments by Default.

Date	No. of Plaint	Fee	Date	No. of Plaint	Fee	Date	No. of Plaint	Fee	Date	No. of Plaint	Fee
	Bro ^t up	£ s.		Bro ^t up	£ s.		Bro ^t up	£ s.		Bro ^t up	£ s.
	0			0			0			0	
	0			0			0			0	
	0			0			0			0	
	0			0			0			0	

BOOK G.—FEES under Schedule B, not elsewhere entered.

[illegible]

BOOK H.—SUMMONSES FOR COMMITMENT, INTERPLEADER, AND MINUTE OF ORDERS THEREON,
at a Court holden at _____ on the _____ day of _____, 18____, before His Honour Judge _____, of the said Court.

Date	No. of		Plaintiff or Claimant	Defendant or Execution Creditor			Miles from Court House	Date when Judgment or Order obtained	Amount of Judgment or Order		Costs of subsequent Proceedings	Paid into Court		Amount not required to have been paid at date of issue of Summons	Amount for which Summons is issued		Fee for issuing Summons	Ledger Folio	Cost of this Summons	Appearance by		Fee for Hearing
	Plaint	Committment Summons		Name	Residence and Trade				Debt	Costs		£ s. d.	£ s. d.		Debt	Costs				Plaintiff	Defendant	
									£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.			£ s. d.

BOOK J.—SUMMONSES TO WITNESSES AND JURORS,

returnable at a Court to be held at _____ on the _____ day of _____, 18____.

Date	No. of Plaintiff	On whose behalf applied for	Witness or Juror			Miles from Court House	By whom served	Fee on Summons to Witness			Conduct Money, or Fee for Jury
			Name	Residence	Trade			Home District	Foreign District		
								£ s. d.	£ s. d.	£ s. d.	£ s. d.

BOOK L.—EXECUTION AND COMMITMENT BOOK (WHERE HIGH BAILIFF IS NOT REGISTRAR).

No. of Plaint	No. of War- rant	Day and Hour on which Warrant was applied for		Plaintiff	Defendant	Residence	Miles from Court	Execution on Com- mit- ment.	When issued	Amount of Debt or Damages, and Costs due	Poundage for issuing Warrant	RETURN.			Minute of other Return than payment or Arrest, and Date of every Return
		Day	Hour h. m.									Amount paid into Court, or certificated as paid into Foreign Court	Date of Arrest or Levy		
										£ s. d.	£ s. d.	£ s. d.			

BOOK N.—FOREIGN EXECUTIONS RE-ISSUED BOOK.

Date of Issue	From what Court	No. of Plaintiff	No. of Execution	Date of Re-issue.	Against whom	Residence.	Miles from Court	Execution or Commitment	Total Amount to be levied	Particulars of Return	Mileage.	
											Levy	Taking to Gaoi

BOOK O.—CASH BOOK.

Debtor.

Cash.

Contra.

Creditor.

Date	No. of Plaintiff	From whom received	For whom paid	Folio in Ledger	Amount	Date	No. of Plaintiff	To whom paid	From whom received	Folio in Ledger	Amount

N.B.—This book may be divided into two, one for receipts and the other for payments, where the extent of business in the Court may make it convenient that it should be.

BOOK P.—LEDGER.

No. of Plaintiff		v.					
		Receipts	Folio in Cash Book		Payments	Folio in Cash Book	By whom received
Amount ad- judged.							[Each payment to be signed by the person receiving the money either in this Book or the Cash Book, and a receipt stamp affixed where the sum paid is for 2 <i>l</i> . or upwards.]
Costs paid by Plaintiff.							
Allowance to Barrister or Solicitor.							
Ditto to Wit- nesses.							
£							
Execution No.							

No. of Plaintiff		v.					
		Receipts	Folio in Cash Book		Payme nt	Folio in Cash Book	By whom received
Amount ad- judged.							[Each payment to be signed by the person receiving the money either in this Book or the Cash Book, and a receipt stamp affixed where the sum paid is for 2 <i>l</i> . or upwards.]
Costs paid by Plaintiff.							
Allowance to Barrister or Solicitor.							
Ditto to wit- nesses.							
£							
Execution No.							

No. of Plaintiff		v.					
		Receipts	Folio in Cash Book		Payments	Folio in Cash Book	By whom received
Amount ad- judged.							[Each payment to be signed by the person receiving the money either in this Book or the Cash Book, and a receipt stamp affixed where the sum paid is for 2 <i>l</i> . or upwards.]
Costs paid by Plaintiff.							
Allowance to Barrister or Solicitor.							
Ditto to wit- nesses.							
£							
Execution No.							

BOOK Q.—NOTICE BOOK.

No. of Plaint	To whom addressed		Date of Notice	When posted	Where posted	By whom posted	Observation
	Name	Address					

BOOK R.

In the County Court of holden at
High Bailiff's Return of Summonses on Plaints before Judgment issued to him returnable
at a Court to be holden on the day , 18 .

No. of Plaintiff	Defendant		Mode of Service
	Plaintiff	Defendant	

Dated this day of , 18 .
A.B., High Bailiff.

BOOK S.—ORDER BOOK.

No. of Plaintiff	When posted	Where posted	By whom posted	Observations

BOOK T.—HIGH BAILIFF'S WARRANT BOOK.

For entry of what has been done under Process of Execution or Commitment, whether Home or Foreign, where High Bailiff is not Registrar.

No. of Plaintiff	No. of Execution	Defendant, or Commitment	Amount to be levied	When levied or arrested	Gross Amount levied	Fees for Possession	Fees for Appraisalment	Fees for Sale	Rent paid	Costs of Distress	Costs allowed on Interpleader	Amount paid into Court	When paid	If not executed, why not
			£ s. d.		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£	£ s. d.	£ s. d.		

Instructions where Books A., B., or C. are used.

The summaries of fees are to be made up for each month as heretofore.

Registrars' and high bailiffs' fees under Schedule B., upon any proceedings in an action subsequent to the entry of the plaint, and upon all proceedings in chambers, must be entered in the Schedule B. fee book.

When a successive summons is applied for, the case must be re-entered in detail (in red ink), under the original plaint number, and the subsequent proceedings be recorded on the page of the book in use on the day it was re-issued; and a reference thereto be made opposite the original entry of the plaint.

Where either Book A., or Book B., is used.

A fresh page should be commenced with

the entry of plaints for each Court, and sufficient space be left after such entries for cases requiring to be brought forward for hearing, viz. : adjournments, new trials, default cases when defended, applications, &c., and for the summary of fees.

Proceedings in chambers may be recorded at the end of the book.

Where either Book A. or Book C. is used.

The fee for entering up a judgment by default must be entered on the day it is received, with the number of the plaint prefixed, in the Book F. provided for the purpose.

Where Book C. is used.

The default plaint should be numbered consecutively, and, to distinguish them from ordinary summonses, a cipher should be prefixed to each number, thus, D, 01; D, 02; D, 03; &c.

APPENDIX.

COSTS to be paid to **SOLICITORS** in **ACTIONS** and **MATTERS**, as well between **PARTY** and **PARTY** as between **SOLICITOR** and **CLIENT**, where the **AMOUNT RECOVERED** exceeds **2*l.*** and does not exceed **10*l.***

LOWER SCALE.

1. Where the particulars and copies are signed by a solicitor, and the amount claimed exceeds **2*l.*** and does not exceed **5*l.***, there may be entered upon an ordinary summons, and upon a default summons, **FOUR SHILLINGS**, unless the latter is to be served by a solicitor, when **SEVEN SHILLINGS** shall be entered.

2. Where the particulars and copies are signed by a solicitor, and the amount claimed exceeds **5*l.*** and does not exceed **10*l.***, there may be entered upon an ordinary summons, and upon a default summons, **EIGHT SHILLINGS**, unless the latter is to be served by a solicitor, when **THIRTEEN SHILLINGS** shall be entered.

3. Where the amount recovered exceeds **2*l.*** and does not exceed **5*l.***, a solicitor for a plaintiff shall be allowed for preparing for and attending trial, or upon an application for a new trial, **SEVEN SHILLINGS**, and, where the sum recovered exceeds **5*l.*** and does not exceed **10*l.***, **TEN SHILLINGS**.

4. Where the amount claimed is paid into Court in less than five clear days before the return day, there may, if the Judge so orders, be allowed to the solicitor, upon his application, **FIVE SHILLINGS**, or such portion of the fees for preparing for and attending trial as the Judge may under the circumstances direct.

5. Where the amount claimed exceeds **2*l.*** and does not exceed **10*l.***, there shall be allowed to a solicitor, for entering up judgment on a default summons, **THREE SHILLINGS** and **FOURPENCE**.

6. Where the amount claimed exceeds **2*l.*** and does not exceed **5*l.***, the solicitor shall be allowed, for instructions preparing defence and attending trial, **TEN SHILLINGS**, and, where the sum

claimed exceeds **5*l.*** and does not exceed **10*l.***, **FIFTEEN SHILLINGS**, or upon an application for a new trial, **SEVEN** or **TEN SHILLINGS**, according to the amount claimed.

7. Where the action is tried by the Judge with or without a jury, the costs of preparing for and attending trial may be increased to a sum not exceeding **ONE POUND**, on a special order of the Judge in such action to be entered in the Minute Book, setting forth the reason of the increase.

8. The Judge may in like actions by special order to be entered in the Minute Book allow a fee of **1*l.* 3*s.* 6*d.*** for the employment of a Counsel.

9. Where a trial is adjourned by the Court for want of time, one half of the fees mentioned in clauses three and six may be allowed in respect of that day's attendance if the Judge shall so direct.

10. In the case of a plaintiff where the amount recovered, or in the case of a defendant where the amount claimed exceeds **2*l.*** and does not exceed **5*l.***, the solicitor shall be allowed for attending Court when the action is referred **THREE SHILLINGS**, for attending before the arbitrator **TEN SHILLINGS**, and for attending Court entering judgment upon the award **THREE SHILLINGS**, and where the amount claimed or recovered exceeds **5*l.*** and does not exceed **10*l.*** the sums of **SIX SHILLINGS**, **FIFTEEN SHILLINGS**, and **SIX SHILLINGS** respectively shall be allowed.

N.B.—No other costs are to be allowed than the above where the amount claimed does not exceed **10*l.***, unless the Judge certifies under section 5 of the County Courts (Costs and Salaries) Act, 1882.

COSTS to be paid to SOLICITORS in ACTIONS and MATTERS, as well between PARTY and PARTY as between SOLICITOR and CLIENT, where the SUBJECT MATTER or the SUM RECOVERED exceeds 10*l*.

HIGHER SCALE.	Where the Subject Matter or the Sum recovered exceeds								
	£ s. d.			£ s. d.			£ s. d.		
	10 0 0			20 0 0			Exceeds		
	and does not exceed			100 0 0			100 0 0		
	A.			B.			C.		
<i>Plaint, Particulars, Summonses, and Notices.</i>	£	s.	d.	£	s.	d.	£	s.	d.
1. Preparing particulars of claim, petition, or counter claim, including necessary copies where the claim is a liquidated demand; provided that such particulars and copies are signed by the solicitor	0	4	0	0	7	0	0	7	0
2. The like in all other claims	0	6	0	0	12	0	0	15	0
3. Preparing further particulars, when same required by defendant under Order VI., Rule 8, including copy to file, when signed by the solicitor	0	2	0	0	3	0	0	5	0
Or, per folio	0	0	8	0	0	8	0	0	8
4. Summons to witness, including attending, obtaining leave to serve same, and to seal	—			0	2	0	0	3	0
5. Summons in Chambers, including sealing and copy for service	—			0	2	0	0	3	0
<i>Notices.</i>									
6. Preparing notice to produce or admit, or to admit facts, and one copy	0	3	0	0	4	0	0	5	0
7. If special or necessarily long, such allowance as the Registrar shall think proper, not exceeding per folio	—			0	0	8	0	0	8
8. For preparing notice of motion or of application to the Court, including copy to file	0	3	0	0	4	0	0	5	0
9. If exceeding five folios, at per folio, including copy to file	—			0	1	0	0	1	0
10. For preparing notice of any application in Chambers to Judge or Registrar, not being an <i>ex parte</i> application, including copies to file and serve	—			0	2	0	0	3	0
11. For preparing any other necessary or proper notice, or demand, not otherwise provided for, including copies to file and serve	—			0	1	6	0	1	6
12. Or if special, and necessarily exceeding three folios, for each folio beyond three, including copy to file	—			0	1	0	0	1	0
<i>Services.</i>									
13. Service of a summons (not being a judgment summons), notice, or document required by statute or rule to be served personally, including copy	0	5	0	0	5	0	0	5	0
14. If served at a distance of more than two miles from the nearest place of business of the solicitor serving the same, for each mile beyond such two miles therefrom, but not to exceed ten miles	0	0	6	0	0	6	0	0	6
15. When substituted service ordered, in addition, to include all costs of attendances, making appointment to serve, drawing, engrossing, attending to swear, and to file all affidavits and the fees paid for oath, and obtaining order	0	10	0	1	0	0	1	5	0
16. Service of a summons upon a witness, including copy	—			0	2	0	0	3	0
17. Service of any summons, interrogatories, order, notice, or demand, on the solicitor or party, if not authorised to be served by post	—			0	2	6	0	2	6
18. If authorised to be served by post	—			0	1	6	0	1	6

N.B.—Where any two or more summonses, orders, interrogatories, notices or demands, have or could have been served together, one fee only for service is to be allowed.

HIGHER SCALE.	Where the Subject Matter or the Sum recovered exceeds								
	£	s.	d.	£	s.	d.	£	s.	d.
	10	0	0	20	0	0	Exceeds		
	and does not exceed			100			0	0	0
	A			B.			C.		
<i>Instructions.</i>	£	s.	d.	£	s.	d.	£	s.	d.
19. To sue or defend, or for a petition	0	3	4	0	6	8	0	13	4
20. For counter claim	0	3	4	0	6	8	0	13	4
21. For interrogatories for the examination of a witness	—			0	5	0	0	6	8
22. For affidavit in answer to interrogatories or other special affidavits	—			0	5	0	0	6	8
23. For brief on trial of action, where counsel employed, such fee as the Registrar may think fit, having regard to all the circumstances of the case, not exceeding	—			1	10	0	3	0	0
Where no counsel employed, in lieu of last item :—									
24. Examining and taking minutes of evidence of each witness afterwards allowed on taxation	0	2	0	0	3	4	0	5	0
25. If exceeding six folios, for each additional folio	0	0	6	0	1	0	0	1	0
26. In special cases, in addition for preparing or making copies of any account or other documents not being notes or observations relating to the evidence of the witnesses only, which the Registrar may think necessary for solicitor's use at the trial, such sum as he may consider reasonable, not exceeding	—			0	10	0	1	0	0
<i>Drawing.</i>									
27. Notice and particulars of special defence or admission of facts, or any statement under the Agricultural Holdings Act, including necessary copies	0	3	0	0	5	0	0	5	0
Or per folio beyond three	—			0	1	0	0	1	0
28. Draft of Order under Order XII. Rule 7, including copy to file	—			0	3	0	0	5	0
Or per folio	—			0	0	8	0	0	8
29. Brief on trial or hearing of cause where counsel employed, including necessary and proper observations, per folio	0	1	0	0	1	0	0	1	0
not exceeding	0	10	0						
30. Brief on any application or motion in Court or upon further consideration when counsel allowed by Judge	—			0	6	8	{	0	6
31. Interrogatories or answers thereto, including copy to file	0	2	6	0	5	0			
Or per folio	0	0	6	0	1	0	0	5	0
32. Affidavit of documents, or any other special affidavit, including engrossing	0	2	6	0	5	0	0	5	0
Or per folio	0	0	6	0	1	0	0	1	0
33. Affidavit of debt under section 1 of County Courts Act, 1875, or of signature under Order IX. Rule 8, including engrossing, attending deponent to be sworn, oath, and filing	0	4	0	0	6	8	0	6	8
34. Affidavit of personal service of a summons, notice, or document, including engrossing, attending to be sworn, oath, and filing	0	3	4	0	5	0	0	5	0
35. Affidavit of service of subpoena, or of any notice under Order XVIII. Rule 6, including engrossing, attending to be sworn, oath, and to file	—			0	2	0	0	2	0
36. Accounts, statements, and other documents for use in Chambers when required, including fair copy to leave, per folio	—			0	0	8	0	0	8
37. Bill of costs for taxation, including copy for Registrar, per folio	0	0	4	0	0	8	0	0	8

HIGHER SCALE.	Where the Subject Matter or the Sum recovered exceeds								
	£	s.	d.	£	s.	d.	£	s.	d.
	10	0	0	20	0	0	100	0	0
	and does not exceed			Exceeds			100 0 0		
	A.			B.			C.		
<i>Copies.</i>									
38. Of documents to accompany brief; and where no provision is made herein that the fee for preparing or drawing any document is to include copies thereof for each copy the Registrar may consider necessary, per folio	—			0	0	4	0	0	4
<i>Perusals.</i>									
39. Of particulars of claim or counter-claim, further particulars delivered under Order VI. Rule 8, or special defence by the solicitor of the party to whom the same are delivered	—			0	3	4	0	6	8
40. Of interrogatories by the solicitor of the party by whom the same are to be answered	0	4	0	0	6	8	0	6	8
Or per folio	—			—			0	0	4
41. Of notice to produce and admit or to admit facts by the solicitor of the party served	—			0	5	0	0	6	8
42. Of affidavit in answer to interrogatories by the solicitor of the party interrogating, per folio	—			0	0	4	0	0	4
43. Of other special affidavits by the solicitor of the party against whom the same can be read, per folio	—			0	0	4	0	0	4
<i>Attendances.</i>									
44. To enter plaint, or file petition, including filing up præcipe, obtaining any necessary leave from the Registrar, or giving any proper undertaking prior to such entry or filing	0	3	4	0	6	8	0	6	8
45. To deliver or file any counter-claim, special defence, further particulars, answers to interrogatories, admission of facts, affidavit of documents, or draft of any order under Order XII. Rule 7	—			0	3	4	0	3	4
46. To lodge order, &c. when action or matter remitted or transferred to County Court, including preparing all necessary documents and copies	—			0	13	4	0	13	4
47. To inspect, or produce for inspection, documents pursuant to a notice to admit, or pursuant to any order or a notice under any rule	0	3	4	0	6	8	0	6	8
Or per hour	—			0	6	8	0	6	8
48. Where solicitor inspecting does not reside or carry on business within two miles of place of inspection, in addition sum paid for locomotion not exceeding	—			0	10	0	1	0	0
49. To obtain or give any necessary or proper consent	—			0	3	4	0	6	8
50. On examination of a witness under Order XVIII., Rule 14, per hour	—			0	6	8	0	10	0
51. On deponents being sworn, or by a solicitor or his clerk to be sworn to an affidavit in answer to interrogatories or other special affidavit	—			0	3	4	0	6	8
52. On a summons in Chambers	0	3	4	0	6	8	0	6	8
Or per hour	—			0	6	8	0	6	8
53. On any application to Registrar in Chambers, not being <i>ex parte</i>	} 0 2 0			} 0 3 4			} 0 3 4		
54. To enter up judgment by default									
55. Any other attendance upon the Registrar or at his office or upon the opposite party, not otherwise provided for, which the Registrar may deem necessary	0	3	4	0	3	4	0	3	4
56. Where by any proceeding taken by the opposite party, it becomes necessary to advise or receive instructions from a client in the progress of an action or matter, for each attendance the Registrar may deem necessary	—			0	3	4	0	6	8
	—			0	6	8	0	6	8

HIGHER SCALE.	Where the Subject Matter or the Sum recovered exceeds									
	£	s.	d.	£	s.	d.	£	s.	d.	
	10	0	0	20	0	0	Exceeds	100	0	0
	and does not exceed			200 0 0						
	20	0	0	100	0	0				
	A.			B.			C.			
57. On counsel with brief	£	s.	d.	£	s.	d.	£	s.	d.	
58. If counsel's fee exceeds one guinea	0	3	4	0	3	4	0	3	4	
59. To appoint conference and attending thereon	0	3	4	0	6	8	0	6	8	
60. At court on trial with counsel	—	—	—	0	6	8	0	13	4	
61. At court, conducting cause where no counsel employed	0	10	0	0	15	0	1	1	0	
62. Or, if specially allowed at trial or hearing by the Judge	0	15	0	1	1	0	1	1	0	
[Items 60, 61, and 62 to be allowed only once in an action or matter except upon further consideration, when items 60 and 61 may be allowed.]	1	1	0	2	2	0	3	3	0	
63. Where the trial lasts more than one whole day or is adjourned for want of time, or upon payment of the costs of the day in lieu of the fee for attendance there may be allowed	0	10	0	0	15	0	1	10	0	
64. The like with counsel	0	6	8	0	10	0	0	13	4	
65. When solicitor does not reside or carry on business within two miles of the town in which trial takes place, in addition the sum paid for locomotion to attend the trial, not exceeding, unless by special order of Judge	—	—	—	1	1	0	1	1	0	
66. When, in the opinion of the Registrar, the solicitor cannot return the same day, in addition	—	—	—	1	1	0	1	1	0	
[Items 63, 64, 65, and 66 are not to be allowed in full if the solicitor is engaged in any other case or cases on the same day, but such portion only as the Registrar shall think just and reasonable, having regard to all the circumstances.]	—	—	—	1	1	0	1	1	0	
67. At court where the amount claimed is paid into court less than five clear days under Order IX., Rule 11	0	5	0	0	10	0	0	10	0	
68. To make or oppose any application or motion before the Judge in chambers where no counsel employed	0	5	0	0	6	8	0	10	0	
The like, if in court	0	10	0	0	13	4	0	13	4	
69. The like with counsel, if in court	—	—	—	0	6	8	0	6	8	
70. To hear a deferred judgment	—	—	—	0	6	8	0	6	8	
71. Before an arbitrator with counsel where action referred for each sitting	0	10	0	0	15	0	0	15	0	
72. The like where no counsel employed for each sitting	0	15	0	1	1	0	1	1	0	
73. Where sitting exceeds three hours, for every additional hour	0	5	0	0	6	8	0	10	0	
74. On taxation of the costs of the action or matter after trial or hearing	0	3	4	0	6	8	0	6	8	
75. On taxation of any costs allowed by order of Judge, where such taxation necessarily takes place at some time other than at the time the order giving the costs sought to be taxed was made, to include drawing bill, copies, notice, and service	—	—	—	0	4	0	0	6	0	
Fees to Counsel.										
76. With brief, sum paid not to exceed	2	4	6	3	5	6	5	10	0	
77. On conference, when allowed by Judge	—	—	—	1	6	0	2	7	0	
78. Where the trial lasts more than one whole day or is adjourned for want of time, further consideration, or upon payment of the costs of the day, a refresher may be allowed by order of Judge not exceeding	1	3	6	1	3	6	1	3	6	
							to	2	4	6

HIGHER SCALE.	Where the Subject Matter or the Sum recovered exceeds								
	£	s.	d.	£	s.	d.	£	s.	d.
	10	0	0	20	0	0	Exceeds		
	and does not exceed			100 0 0			100 0 0		
	A.			B.			C.		
	£	s.	d.	£	s.	d.	£	s.	d.
79. To make or oppose any application or motion in Court if Judge certifies for counsel	—			1	3	6	2	4	6
80. In actions or matters of an equitable nature for settling particulars, statement of defence, interrogatories, or other matters required in the course of any action or matter, if specially allowed at the trial or hearing by the Judge	—			1	3	6	1	3	6
81. Advising on evidence, if specially allowed at the trial or hearing by the Judge	—			1	3	6	2	4	6
<i>Plans, Models, &c.</i>									
82. Plans, charts, or models for use of Judge at trial, if allowed by Judge, not exceeding	1	1	0	2	2	0	2	2	0
<i>Letters, &c.</i>									
83. Letter before action	0	3	6	0	3	6	0	3	6
84. Letters (to be allowed once only in an action or matter)	—			0	5	0	0	5	0
85. Circular letters	—			0	1	0	0	1	0
[Costs for searches for certificates of births, marriages, and deaths which the Registrar may upon taxation think necessary, such sum as the Registrar shall deem reasonable.]									
86. Oaths, sum paid									

In Actions where a perpetual injunction is claimed, the Judge, in granting or refusing the same, may direct under which Scale the Costs shall be taxed.

Costs not sanctioned by the scale are not to be allowed; and with the exception of the costs of a new trial, an appeal, an interpleader, a summons under Order XXX., Rule 10, or any costs allowed by the Judge under Order L., Rule 12, no costs, as between the parties to an action, are to be allowed for any proceeding taken or act done after judgment.

Where the costs of a defendant are being taxed, the word "recovered," wherever it occurs in the scale, means "claimed."

The costs on actions under sections 11 or 12 of the County Courts Act, 1867, shall be taxed on the higher scale, Column B., unless ordered by the Judge to be taxed on Column C.

The "subject matter" in an interpleader proceeding shall mean, (1) in the case of a claimant, the amount of the value of the goods his claim to which is allowed, plus the amount of the damage (if any) adjudged, (2) in the case of an execution creditor, the amount of the value of the goods seized, plus the amount of the damage claimed, and (3) in the case of a High Bailiff, the amount of the damages claimed.

TOTAL of ITEMS OF COSTS to be entered on SUMMONSES for AMOUNTS exceeding 10%, where the particulars and copies are signed by the Solicitor.

The total amount to be entered on an ORDINARY SUMMONS shall be the following and no more; viz.—

			Totals.	
	s.	d.	£	s. d.
Where the amount sought to be recovered exceeds 10% and does not exceed 20%, and the claim is a debt or liquidated demand	Item 1	4 0	0	14 2
	" 19	3 4		
	" 44	3 4		
	" 83	3 6		
In other claims	Item 2	6 0	0	16 2
	" 19	3 4		
	" 44	3 4		
	" 83	3 6		

		s.	d.	Totals.	
		£	s.	d.	
Where the amount sought to be recovered exceeds 20 <i>l.</i> and does not exceed 100 <i>l.</i> , and the claim is a debt or liquidated demand	Item 1	.	7	0	1 3 10
	" 19	.	6	8	
	" 44	.	6	8	
	" 83	.	3	6	
In other claims	Item 2	.	12	0	1 8 10
	" 19	.	6	8	
	" 44	.	6	8	
	" 83	.	3	6	
Where the amount sought to be recovered exceeds 100 <i>l.</i> , and the claim is a debt or liquidated demand	Item 1	.	7	0	1 10 6
	" 19	.	13	4	
	" 44	.	6	8	
	" 83	.	3	6	
In other claims	Item 2	.	15	0	1 18 6
	" 19	.	13	4	
	" 44	.	6	8	
	" 83	.	3	6	

The total amount to be entered on a DEFAULT SUMMONS shall be the following and no more ;
viz.—

		s.	d.	Totals.	
		£	s.	d.	
Where the amount sought to be recovered exceeds 10 <i>l.</i> and does not exceed 20 <i>l.</i> and service is to be made by a bailiff	Item 1	.	4	0	0 18 2
	" 19	.	3	4	
	" 33	.	4	0	
	" 44	.	3	4	
Where service is to be made by a solicitor	" 83	.	3	6	1 6 6
	Item 1	.	4	0	
	" 13	.	5	0	
	" 19	.	3	4	
Where the amount sought to be recovered exceeds 20 <i>l.</i> and does not exceed 100 <i>l.</i> and service is to be made by a bailiff	" 33	.	4	0	1 10 6
	" 34	.	3	4	
	" 44	.	3	4	
	" 83	.	3	6	
Where service is to be made by a solicitor	Item 1	.	7	0	2 0 6
	" 13	.	5	0	
	" 19	.	6	8	
	" 33	.	6	8	
Where the amount sought to be recovered exceeds 100 <i>l.</i> and service is to be made by a bailiff	" 34	.	5	0	1 17 2
	" 44	.	6	8	
	" 83	.	3	6	
	Item 1	.	7	0	
Where service is to be made by a solicitor	" 13	.	5	0	2 7 2
	" 19	.	13	4	
	" 33	.	6	8	
	" 34	.	5	0	
	" 44	.	6	8	
	" 83	.	3	6	
	Item 1	.	7	0	
	" 13	.	5	0	

N.B.—Where the amount sought to be recovered exceeds 10*l.*, Items 14 and 15 may be added where the service for which each of them is given is performed.

[NOTE.—Upon judgment being entered upon a default summons for a sum exceeding 10*l.*, only Item 54 is to be allowed, in addition to the above.]

ORDERS AND RULES ANNULLED.

The County Court Rules, 1875.

The County Court Rules, 1876.

The County Court Rules, 1880.

The County Court Rules, 1883.

The County Court Rules, 1884.

Orders for regulating proceedings by and before the Judges of County Courts under "The Charitable Trusts Act, 1853," and for fixing and determining the fees to be taken in respect of such proceedings, made by

the Right Honourable Robert Monsey Baron Cranworth, Lord High Chancellor of Great Britain.

Rules and Orders for regulating the practice of the County Courts in proceedings taken under the provisions of the Act, 20 & 21 Vict. c. 77, for amending the law relating to probate and letters of administration in England.

RULES OF THE SUPREME COURT, DECEMBER 1885,
RELATING TO APPEALS.

ORDER LIX. 9.

The following Rules (10 to 17) of this Order shall apply to appeals to the Queen's Bench Division from County Courts and other Inferior Courts of record of civil jurisdiction in all proceedings other than proceedings in bankruptcy.

ORDER LIX. 10.

Every such appeal shall be by notice of motion, and no rule *nisi* or order to shew cause shall be necessary. The notice of motion shall state the grounds of the appeal, and whether all or part only of the judgment, order, or finding is complained of. The notice of motion shall be an eight days' notice, and shall be served on every party directly affected by the appeal entered.

ORDER LIX. 11.

Every appeal shall be entered at the Crown Office Department of the Central Office, and the entry shall be made by lodging a copy of the notice.

ORDER LIX. 12.

The notice of motion shall be served and the appeal entered within twenty-one days from the date of the judgment, order, or finding complained of; such period shall be calculated from the time at which the judgment or order is signed, entered, or otherwise perfected, or from the time at which the finding or any refusal is made or given.

ORDER LIX. 13.

It shall be the duty of the Master of the Crown Office Department forthwith upon the entry of the appeal to apply on behalf of the High Court to the Judge of the Inferior Court from which the appeal is brought for a copy of the notes of the evidence given, and for a statement of his judgment or finding on

any question of law under appeal. Either party shall be entitled, upon payment of the proper fee, to obtain from the Crown Office Department an office copy of such notes and statement.

ORDER LIX. 14.

The appeal shall not operate as a stay of proceedings under the decision appealed from unless the Inferior Court shall so order or unless within ten days after the decision a deposit shall be made of or security given to the satisfaction of such Inferior Court for a sum to be fixed by the said Court, not exceeding the amount of the money or the value of the property affected by the judgment order or finding appealed from.

ORDER LIX. 15.

Every appeal from an Inferior Court shall be entered in the proper list for hearing on such days as the Lord Chief Justice of England may direct, and shall come on to be heard in its order, unless the High Court shall otherwise direct.

ORDER LIX. 16.

The High Court shall have power to extend the time for appealing, or to amend the grounds of appeal, or to make any other order, on such terms as the Court shall think just, to ensure the determination on the merits of the real questions in controversy between the parties.

ORDER LIX. 17.

Subject to these Rules, the Rules for the time being in force with respect to appeals from the High Court to the Court of Appeal shall, so far as practicable, apply to and govern appeals from County Courts and other Inferior Courts of record of civil jurisdiction to the High Court.

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COURT FEES, TREASURY ORDER REGULATING, 1886.

In pursuance of the powers given by THE COUNTY COURTS ACTS, and of all other powers enabling us in this behalf, we, the undersigned, two of the Commissioners of Her Majesty's Treasury, whose names are hereunto subscribed, do hereby, with the consent of the Lord Chancellor, order that, on and after the twenty-eighth day of April, 1886, the several fees, or sums in the name of fees, specified in the Schedules hereunder written shall be taken on the proceedings therein mentioned, in lieu of all other fees for the proceedings set forth; and that the fees so authorised to be taken, with the exception of the fees mentioned in Schedule (B.), shall be received by the Registrars of the different

County Courts, and shall be accounted for and paid over by them to the Treasurers of their respective Courts, or where there is no Treasurer the Superintendent of County Courts, and that the fees set forth in Schedule (B.) shall be received by the Registrars for the use of themselves and the high bailiffs, according as the duties are to be performed by the Registrars or high bailiffs.

E. J. REED.
CYRIL FLOWER.

12 February, 1886.

I approve of the annexed Schedules of Fees.
HERSCHELL, C.

[An Order or Rule referred to in the following Schedules shall mean the Order or Rule so numbered in the County Court Rules, 1886.]

SCHEDULE (A.)

For every plaint, counter-claim or petition, one shilling in the pound.

Where the claim or demand exceeds forty shillings, and an ordinary* summons is to be served by bailiff, an additional fee of one shilling.

Where in any case the number of defendants shall exceed three, an additional fee of one shilling for each defendant above three.

No fee shall be payable on any application for a new trial, or to set aside proceedings, or for a summons in an interpleader.

For entering judgment by consent under sections 8 or 9 of "The County Courts Act, 1850," or under a default summons, one shilling in the pound on the amount claimed in the summons.

For every hearing, two shillings in the pound. To be charged once only in an action, unless a new trial ordered.

In all cases where the defendant shall either personally, or by his solicitor or agent, admit the claim, one half of the fee paid by the plaintiff for the hearing of the plaint shall be returned to the plaintiff by the Registrar of the Court, although the Court may have been required to decide upon the terms and conditions upon which the claim is to be paid.

An additional hearing fee shall be taken for every new trial.

The hearing fee on interpleader shall not be prepaid, but shall be estimated on the amount of the money or the value of the goods claimed, which value, in case of dispute, shall be assessed by the Judge, who, at the hearing, shall direct by whom and when and how such fee shall be paid.

* This fee is not to be taken where a default summons is issued.

No fee shall be payable for hearing any application for a new trial, or to set aside proceedings.

For issuing every warrant, eightpence in the pound.

For every judgment summons under the Debtors Act, 1869, threepence in the pound on so much of the amount of the original demand as, in obedience to the order of the Court, should have been paid at the time of the issue of the summons.

Where such last-mentioned amount does not exceed twenty shillings, an additional fee of sixpence; and where such amount does exceed twenty shillings, an additional fee of one shilling.

For every hearing of the matters mentioned in such judgment summons, sixpence in the pound on the amount upon which the fee on the summons is calculated.

For issuing every order of commitment, eightpence in the pound on the amount upon which the fee on the summons is calculated.

All poundage, except where otherwise herein specified, shall be estimated upon the amount or value of the subject-matter of the proceeding upon which it is payable, except where the said amount or value exceeds twenty pounds, when the poundage shall be estimated on twenty pounds only.

In plaints under sections 11 and 12 of "The County Courts Act, 1867," poundage shall be estimated as upon a claim for a sum of twenty pounds.

In replevins all poundage, except as aforesaid, shall be estimated on the amount of the alleged rent or damage to be fixed by the Registrar.

In plaints for the recovery of tenements when the term has expired or been determined by

notice, all poundage, except as aforesaid, shall be estimated on the amount of the weekly, monthly, quarterly, half-yearly, or yearly rent of the tenement, as such tenement shall have been let by the week or by the month, or for any longer period; and if no rent shall have been reserved, then on the amount of the half-yearly value of the tenement, to be fixed by the Registrar.

Where a claim for rent or mesne profits, or both, is added to a plaint for the recovery of a tenement, an additional poundage shall be taken on the amount or amounts so claimed, but where thereby the total amount on which poundage would be taken shall exceed twenty pounds, the poundage shall be estimated on twenty pounds only.

In plaints for the recovery of tenements for non-payment of rent, all poundage, except as aforesaid, shall be estimated on the amount of the half-yearly rent of the tenement.

In proceedings under "The Merchant Shipping Act, 1854," "The Literary and Scientific Institutions Act, 1854," and "The Metropolitan Buildings Act, 1855," the poundage shall be estimated upon the amount in dispute, and if no amount is in dispute, or if the amount in dispute is not ascertained, then as upon a claim for a sum of twenty pounds.

In proceedings under "The Succession Duty Act, 1853," the poundage shall be estimated upon the amount in dispute.

In proceedings under "The Friendly Societies Act, 1875," or under any Act giving the Court jurisdiction in any matter, such other Act not being a County Courts Act, the poundage shall be estimated upon the amount in dispute.

In every case where the poundage cannot be estimated by any rule in this schedule, it shall be estimated on twenty pounds.

All fractions of a pound, for the purpose of calculating poundage, shall be treated as an entire pound.

No increase of fees shall be made by reason of there being more than one plaintiff or defendant, except as before directed, where the number of defendants exceeds three.

For every sitting under the "Ballot Act, 1872"	£	s.	d.
	2	0	0
For taking the acknowledgment of a married woman, where only one	1	0	0
And 10s. for every additional woman.			
For a warrant to replevy	0	2	6
For a replevin bond or deposit, where the alleged rent or damage does not exceed 20%.	0	10	6
For a replevin bond, where the alleged rent or damage exceeds 20%.	1	1	0
For notice to distrainor	0	2	6
For every subpoena to be served by a bailiff in a home district; if served within two miles of court house	0	1	0
For every mile beyond two	0	0	6
but the total fee to be taken is in no case to exceed 3s.			
For every subpoena to be served by a bailiff in a foreign district	0	3	0
For every sitting under the Agricultural Holdings (England) Acts	1	0	0
For every petition presented to a Court under the Industrial and Provident Societies Act, 1876	1	0	0
For every order for winding-up under the last-mentioned Act	1	0	0
For every sitting to take evidence under the Companies Act, 1862	2	0	0
For every sitting before the Judge under the Companies Act, 1867	1	0	0

SCHEDULE (B.)

PART I. — GENERAL.

Registrar's Fees.

For making a return of certiorari for costs out of pocket	0	15	0
Filing affidavit on issue of duplicate plaint note	0	0	6

High Bailiff's Fees.

For keeping possession of goods till sale on any process, per day (including expenses of removal, storage of goods, and all other expenses), not exceeding five days, sixpence in the pound on the value of the goods seized, to be fixed by appraisement in case of dispute.

PART II.

FEES WHERE THE COURT EXERCISES JURISDICTION UNDER THE COUNTY COURTS ACT, 1867, THE COUNTY COURTS ACT, 1875, THE SUPREME COURT OF JUDICATURE ACT, 1873, THE STANNARY COURT ACTS, THE BOROUGH AND LOCAL COURTS OF RECORD ACT, OR THE AGRICULTURAL HOLDINGS (ENGLAND) ACTS.

Registrar's Fees.

For examining, allowing, and filing every affidavit of debt or of substituted service under section 1 of the County Courts Act, 1875, where the claim does not exceed 40s.	£	s.	d.
	0	1	0
For the like, where the claim exceeds 40s.	0	2	0
For entering writ under sections 7 or 10 of the County Courts Act, 1867, and sending notice to parties of day of trial, &c.	1	1	0
Taxing costs in actions under sections 7 and 10 of the County Courts Act, 1867	0	5	0
On entry of plaint under sections 11 and 12 of the County Courts Act, 1867	1	1	0
Where the plaint has not been entered under section 12, and the Judge shall certify that the Court has exercised jurisdiction under that section, the above fee of 1 <i>l.</i> 1 <i>s.</i> shall be paid.			

SCHEDULE (B.) Part II.—*cont.*

On every order for a new trial in actions commenced under sections 11 and 12 of the County Courts Act, 1867	£ s. d.
Taxing costs under either of the said last-mentioned sections 11 and 12, or under the Agricultural Holdings (England) Acts	0 10 6
For sealing every warrant, order of commitment, precept, or writ issued from, or on a judgment of a Court other than a County Court, 6 <i>d.</i> in the pound on the amount for which it issues (<i>so that the total fee does not exceed 10<i>s.</i></i>).	0 10 6
For issuing a judgment summons upon a judgment of a Court other than a County Court	0 2 6
For drawing up, sealing, and issuing every order under the following rules or any of them :—	
Order XII., Rules 2, 3, 8, and 11	} 0 4 0
Order XIII., Rule 1	
Order XIV., Rule 12	
Order XV., Rule 3	
Order XL., Rule 7	
Order LI., Rules 11 and 12	
For drawing, sealing, and issuing every special judgment or order, where Court exercises jurisdiction under the Supreme Court of Judicature Act, 1873, or under Order XL.	0 15 0
For every sitting under—	
Order XII., Rule 4	} 0 10 0
Order XVIII., Rules 15 and 21	
Order XXIII., Rule 12	
Order XXIV., Rule 2	
Where the sitting is longer than one hour, for every additional hour or part of an hour	0 7 0
For every notice, receipt, or summons under—	
Order III., Rule 25 <i>1</i>	} 0 2 6
Order X., Rule 4	
Order XVI., Rule 21	
Order XXII., Rule 14	
Order XXV., Rules 40, 41	
Orders XXI. and XL.	
For every application under Order XXV., Rule 44	0 10 0
For copies of every proceeding or document under Order LII., Rule 7, at per folio	0 0 4
For every bond with sureties	0 5 0
<i>High Bailiff's Fees.</i>	
For every default summons where not served by a solicitor	0 1 0
For service of every judgment summons issued upon a judgment of a Court other than a County Court	0 5 0
For executing every warrant, order of commitment, precept, or writ issued from, or on a judgment of, a Court other than a County Court, 1 <i>s.</i> in the pound on the amount for which it issues, <i>so that the total fee does not exceed 20<i>s.</i></i> ; and for keeping possession, appraisement; and sale the same allowances as under a warrant of execution by a County Court.	
For delivering the goods on completion of a replevin bond together with 6 <i>d.</i> a mile from the Court house to the place where the goods are.	1 1 0

PART III.

FEES WHERE THE COURT EXERCISES JURISDICTION UNDER THE COUNTY COURTS ACT, 1865, OR SECTIONS 9, 24, 25, 26, AND 27 OF THE COUNTY COURTS ACT, 1867, SECTION 12 OF THE PARTITION ACT, 1868, OR THE SUPREME COURT OF JUDICATURE ACT, 1884.

	Where the Subject Matter of the Action or Matter	
	Does not exceed 100 <i>l.</i>	Exceeds 100 <i>l.</i>
<i>Registrar's Fees.</i>		
For duties to be performed under Order XXXVIII., to be charged once only in the matter	£ s. d. 0 10 0	£ s. d. 0 15 0
On transfer of proceedings from the Chancery Division of the High Court of Justice, or of interpleader proceedings under the Supreme Court of Judicature Act, 1884; for perusing and filing papers, application to Judge, drawing directions to proceed, and notice to parties	1 1 0	1 1 0
For attesting admission of defendant and filing, Order IX., Rule 4	0 3 6	0 5 0

SCHEDULE (B.) Part III.—*cont.*

	Where the Subject Matter of the Action or Matter	
	Does not exceed 100%.	Exceeds 100%.
For filing statement of defendant, or notice by plaintiff for dismissal of action, Order IX., Rules 1, 4	£ s. d. 0 2 6	£ s. d. 0 4 0
For settling draft order on an ex parte application, and the order as made, Order XII., Rules 7, 8	0 10 0	0 15 0
Drawing and filing order of transfer, under Order XXXIII., Rule 5, and transmitting order and papers	0 10 0	0 15 0
For drawing, filing, and sealing every special order or judgment in any action or matter (other than orders obtained ex parte under Order XII.), and every final order, including copy for service	0 15 0	1 5 0
For every order for further directions under Order XXIV., Rule 19	0 7 0	0 12 0
For filing or recording every order by Judge for adjournment	0 2 6	0 4 0
For drawing advertisements and inserting	0 5 0	0 7 0
For every sitting on which the Registrar is employed in taking accounts, making inquiries, or acting as a special examiner under Order XXIV., Rule 1, or Order XVIII., Rules 15 and 21	0 10 0	0 10 0
Where the sitting is longer than one hour, then for every additional hour or part thereof	0 5 0	0 7 0
Where the Registrar is required to attend elsewhere than at the Court or office (in addition to the above)	0 10 0	1 0 0
Mileage one way, each mile	0 0 6	0 0 6
For certificate under Order XXIV., Rule 15	0 15 0	1 10 0
For making and transmitting note of order under Order XXXVI., Rule 2	0 2 6	0 3 6
For every inspection of certificate, Order XXIV., Rule 16	0 1 0	0 2 0
For filing and sealing every affidavit, or other document not being a document annexed to an affidavit	0 1 0	0 1 0
For every application for a search and searching	0 2 0	0 2 0
For issuing every warrant	0 2 0	0 3 0
For giving every notice required by any order, except as hereafter mentioned	0 2 0	0 2 6
Where the notices are given under Order III., Rule 25	0 3 0	0 5 0
For every office copy, per folio	0 0 4	0 0 4
For every taxation of costs under any of the above Acts, or under the Employers' Liability Act, 1880	0 7 0	0 10 0
For auditing Receiver's accounts where sum in the account does not exceed 100%.	0 5 0	0 5 0
For every additional 50%, or fraction thereof	0 2 6	0 2 6
For every bond with sureties	0 5 0	0 7 6
For every summons under Order XXIV., Rule 2.	0 1 6	0 1 6
<i>High Bailiff's Fees.</i>		
For service, within home district, of every summons, petition, notice or order—		
If within two miles of Court house	0 4 6	0 6 6
If beyond two miles, then for every additional mile, or part of a mile	0 0 6	0 0 6
For service of every summons, petition, notice, or order, in a foreign district, each defendant to be served	0 6 0	0 8 0
Where service is ordered to be personal, then an additional fee of	0 4 0	0 5 0
For the execution of each warrant within home district	0 7 6	0 10 0
With an allowance of mileage, double the amount of the allowance on summonses.		
For execution of each warrant in a foreign district	0 10 0	0 15 0
Keeping possession, for each day the man is actually in possession	0 6 0	0 7 6
3s. 6d. of the above sum is to be paid to the man in possession, and his receipt produced to the Registrar.		
Superintending sale, whether by auction or private contract, making out account, and paying money into Court, 2% per cent. on first 50% so paid, and 1% per cent. on all afterwards.		

N.B.—Where the amount or value of the subject-matter of the action or matter is not disclosed by the plaintiff or petitioner it shall be taken not to exceed 100%, and the fees charged accordingly. If, however, the Judge shall subsequently certify that the amount or value of the subject-matter does exceed 100% the difference between the fees up to that time taken and those that would have been taken had it exceeded 100% may then be taken.

SCHEDULE (B).—*cont.*

PART IV.

WINDING UP UNDER THE COMPANIES ACT, 1867, AND THE INDUSTRIAL AND PROVIDENT SOCIETIES ACT, 1876, AND THE BUILDING SOCIETIES ACT, 1874.

Registrar's Fees.

	£	s.	d.
For every summons	0	3	0
For every order	0	5	0
For every office copy of order	0	5	0
For every advertisement	1	0	0
For every certificate	0	5	0
For filing every affidavit or statement on affirmation, declaration, or attestation upon honour	0	1	6
For every sitting by the registrar	0	10	0
When the sitting is longer than an hour, then for every additional hour or part thereof	0	10	0
For taxation of bill of costs	0	10	0

High Bailiff's Fees.

Same fees for service and execution as in Part III.

Protection of Property of deserted Married Women.

20 & 21 Vict. c. 85. s. 21.

Registrar's Fee.

For sealing every order brought to a Registrar, and entering same, and transmitting a sealed copy of the entry to the Registrar of the County Courts' judgments 0 5 0

PART V.

FEES WHERE THE COURT EXERCISES JURISDICTION UNDER THE COUNTY COURTS ADMIRALTY JURISDICTION ACTS, 1868 AND 1869.

	Where the amount claimed	
	Does not exceed 100%.	Exceeds 100%.
<i>Registrar's Fees.</i>		
	<i>s. d.</i>	<i>s. d.</i>
On every warrant of arrest of a vessel	5 0	7 6
„ release	5 0	7 6
„ bail bond	5 0	7 6
„ affidavit of justification	2 6	2 6
„ subpoena	2 0	3 0
„ notice of hearing each	1 6	2 6
Summons for the attendance of assessor at the hearing of any action	1 6	2 6
For every order of transfer	10 0	15 0
Where a special Court is to be held for the trial of the action	25 0	35 0
Where the Court is to sit for the hearing or part hearing of an action beyond three miles from Registrar's office, then in addition	15 0	15 0
Mileage one way from office to place of sitting, for each mile	0 6	0 6
When the Registrar cannot return the same night	21 0	21 0
For drawing final judgment	10 0	15 0
For filing an affidavit or other document, not being a document annexed to an affidavit	1 0	1 0
For every office copy of a document in the English language per folio	0 4	0 4
For office copies of papers in a foreign language, or of shorthand writers' or reporters' notes, or of abstracts or translations made in the office, in addition to the above fees, the charges of the copyist, shorthand writer, reporter or translator	—	—
On a receipt for money or for papers (<i>only one fee to be taken, however many may be the papers delivered in at one time</i>)	1 0	1 0
Poundage on moneys paid out of the office in any action for every 50% or fraction thereof	5 0	5 0
From a person who is not a party in the action, nor his solicitor, nor the clerk of the solicitor, on examining the Court books in respect of any action	1 0	1 0
For every summons of commitment	3 0	5 0
For every warrant against the body or goods or order of sale of vessel	5 0	7 6

SCHEDULE (B.) Part V.—*cont.*

	Where the amount claimed	
	Does not exceed 100l.	Exceeds 100l.
On examining the documents in any action in which no proceedings are pending, and which has been terminated within the last two years	<i>s. d.</i> 2 6	<i>s. d.</i> 2 6
Ditto ditto, if beyond that period	3 6	3 6
For every sitting in which the Registrar is employed as an examiner where the amount claimed exceeds 20l.	7 0	10 0
When the sitting is longer than one hour, then for every additional hour or part of an hour	5 0	7 0
Where the Registrar shall be required to attend elsewhere than at the Court or office (in addition to the above)	10 0	20 0
Mileage one way from the office to the place of examination, for each mile	0 6	0 6
For taxation of costs	5 0	7 0
<i>High Bailiff's Fees.</i>		
For service of summons or subpoena, if served within three miles of Registrar's office	5 0	5 0
If served beyond three miles of Registrar's office, reasonable expenses for travelling and maintenance	—	—
Attendance at a special Court if required by Judge	7 6	15 0
For execution of a warrant of arrest of a vessel or property	15 0	20 0
For keeping possession of a vessel or property to include the cost of a vessel-keeper, if required per day	5 0	5 0
If execution had at a greater distance than three miles from Registrar's office, reasonable expenses for travelling and maintenance	—	—
For sale of vessel or property, including inventory, for every 50l. or fraction thereof	10 0	10 0
For service of summons of commitment	4 0	8 0
Execution of warrant against body or goods	20 0	30 0
Conveyance to gaol per mile	1 0	1 0

N.B.—Where the amount or value of the subject matter of the action is not disclosed by the plaint it shall be taken not to exceed 100l., and the fees charged accordingly. If, however, the Judge shall subsequently certify that the amount or value of the subject matter does exceed 100l. the difference between the fees up to that time taken and those that would have been taken had it exceeded 100l. may then be taken.

PART VI.

Registrar's Fees.

Taxing every account under section 4 of the Parliamentary Elections (Returning Officers) Act, 1875, where the amount of the account to be taxed does not exceed 50l.	<i>s. d.</i> 10 0
Where such amount exceeds 50l., for every 50l. or fractional part of 50l. an additional fee of	10 0
Grant of a certificate of a judgment under Inferior Courts Judgment Extension Act, 1882	2 6
Presentation of such last-mentioned certificate for registration.	2 6
Sealing and issuing duplicate of such certificate.	1 0

LAW JOURNAL REPORTS, 1886.

SUPREME COURT OF JUDICATURE.

BANKRUPTCY RULES, 1886.

GENERAL RULES MADE PURSUANT TO THE BANKRUPTCY
ACT, 1883.

NOTE.—*These Rules will be incorporated in the Consolidated Bankruptcy Rules, 1886,
coming into operation on the same day.*

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I.—PRELIMINARY.

1. These Rules may be cited as "The Bankruptcy Rules, July, 1886." They shall come into operation on the 24th day of October, 1886.

2. In these Rules, and in the Bankruptcy Rules, 1883, unless the context otherwise requires, the following expressions shall have the meanings hereby severally assigned to them, namely:—

"Judge of the High Court" shall mean the Judge to whom bankruptcy business is for the time being assigned.

"Trustee" shall include the trustee under a composition or scheme, under which a trustee is appointed to administer a debtor's property, or manage his business.

"Taxing Officer" shall mean and include the officer of the Court whose duty it is to tax costs in bankruptcy proceedings.

II.—COURT PROCEDURE.

Transfer of Proceedings.

Rules 16, 17, and 18 of the Bankruptcy Rules, 1883, are hereby annulled, and the following Rules are substituted therefor:—

3. The Judge of the High Court may at any time, for good cause shewn, order the proceedings in any matter under the Act to be transferred from a County Court to the High Court, or from the High Court to a County Court.

4. The Judge of any County Court, having jurisdiction in bankruptcy, may, at any time, for good cause shewn, order the proceedings in any matter under the Act, which have been commenced or are pending in his Court, to be transferred to any other County Court.

5. When an order of transfer has been made by any Court, the Registrar of such Court shall send by post a sealed copy of the order of transfer to the Court affected by the order.

6. Where the proceedings in any matter are transferred by any Court, the Official Receiver of the Court to which such proceedings are transferred shall become the Official Receiver of the debtor's estate in place of the Official Receiver of the Court from which the proceedings are transferred.

7. An order to transfer shall be in the Form No. 1 in the Appendix of these Rules, with such variations as the case may require.

8. Where the proceedings in any matter are transferred from a Court to any other

Court, the Registrar of the first Court shall send by post the records of proceedings transferred to the Registrar of the Court to which the transfer is made.

9. The Registrar of the Court to which proceedings are transferred shall give notice of the transfer in the Form No. 2 in the Appendix to these Rules to the Official Receiver of the same Court, and to the Board of Trade, as soon as he shall receive the records of proceedings from the Registrar of the Court from which the transfer is made.

Proceedings commenced in wrong Court.

10. When any bankruptcy proceeding has been commenced in a Court in which it should not have been commenced, the Judge of that Court or of the High Court may order that the proceeding shall be transferred to the Court in which the same should have been commenced, or that it be continued in the Court in which it was commenced; but, unless and until a transfer is made under these rules, the proceeding shall continue in the Court in which it was commenced.

Transfer of Jurisdiction of Court: pending Business.

11. Whenever the Lord Chancellor, by order under his hand, shall exclude any County Court from having jurisdiction in bankruptcy, or shall attach the district or any part of the district of a County Court to the High Court, or any other County Court, or shall detach the district or any part of the district of any County Court from the district and jurisdiction of the High Court, any bankruptcy business pending in the Court or district to which the order relates shall become transferred to such Court as shall be mentioned for the purpose in the order, and thereupon the rules as to transfer of proceedings shall apply to the transfer of such pending proceedings in all respects as if the proceedings had been transferred by order of a Court having power to transfer proceedings.

III.—APPROPRIATION OF PAY AND PENSIONS.

12. Rule 78 of the Bankruptcy Rules, 1883, shall be read with the words at the end thereof, "for the purpose of his counter-signature to the order being written thereon," omitted therefrom.

IV.—COMMITMENT AND ARREST.

Committal.

13. Rule 78 of the Bankruptcy Rules, 1883, is hereby annulled, and the following Rule is substituted therefor:—

Subject to the provisions of the Act and Rules, upon the filing of an application to

commit, the Registrar shall fix a time and place for the Court to hear the application, notice whereof shall be personally served on the person sought to be committed, not less than three days before the day fixed for the hearing of the application. Provided that in any case in which the Court may think fit, the Court may allow substituted service of the notice by advertisement or otherwise, or shorten the length of notice to be given.

14. Where an order of committal is made against a debtor or against a trustee, for disobeying any order of the Court, or of the Board of Trade, or of the Official Receiver, to do some particular act or thing, the Court may direct that the order of committal shall not be issued, provided that the debtor or trustee, as the case may be, complies with the previous order within a specified time.

Committal of Contumacious Debtor or Witness.

15.—(1.) If a debtor or witness examined before a Registrar refuses to answer to the satisfaction of the Registrar any question which he may allow to be put, the Registrar shall report such refusal in a summary way to the Judge, and, upon such report being made, the debtor or witness in default shall be in the same position and be dealt with in the same manner as if he had made default in answering before the Judge.

(2.) The report of the Registrar shall be in writing, but without affidavit, and shall set forth the question put, and the answer (if any) given by the debtor or witness.

(3.) The Registrar shall, before the conclusion of the examination at which the default in answering is made, name the time when and the place where the default will be reported to the Judge; and upon receiving the report the Judge may take such action thereon as he shall think fit. If the Judge is sitting at the time when the default in answering is made, such default may be reported immediately.

(4.) The report of the Registrar may be in the Form No. 30 in the Appendix to these Rules.

V.—SERVICE OF PROCESS.

Duties of High Bailiff.

16. The second paragraph of Rule 81 of the Bankruptcy Rules, 1883, is hereby annulled, and the following is substituted therefor:—

But this rule shall not be construed to require any order, summons, petition, or notice to be served by a bailiff or officer of the Court, which is not specially by the Act or Rules required to be so served, unless the Court

shall in any particular proceeding, by order specially so direct.

VI.—Costs.

Generally.

17. Rule 100 of the Bankruptcy Rules, 1883, is hereby annulled, and the following Rule is substituted therefor:—

Subject to these rules, all costs relating to proceedings in Court shall be in the discretion of the Court, and shall be paid by such persons as the Court shall order: Provided, that, where any issue is tried by a jury, the costs shall follow the event, unless, upon application made at the trial, for good cause shewn, the Judge before whom such issue is tried shall otherwise order.

Taxation generally.

18. Before taxing the bill or charges of any solicitor, manager, accountant, auctioneer, broker, or other person employed by an Official Receiver or trustee, the Taxing Officer shall require a certificate in writing, signed by the Official Receiver or trustee, as the case may be, to be produced to him, setting forth whether any, and if so what special terms of remuneration have been agreed to, and in the case of the bill of costs of a solicitor, a copy of the resolution or other authority sanctioning the employment.

19. In any case in which, pursuant to section 46 (1) of the Act, a sheriff is required to deliver goods to an Official Receiver or trustee, such sheriff shall, without delay, bring in his bill of costs for taxation, which shall be taxed by the Taxing Officer of the Court having jurisdiction in the bankruptcy; and unless such bill of costs is brought in for taxation within one month from the date when the sheriff makes such delivery, the Official Receiver or trustee may decline to pay the same.

20. If the Official Receiver or trustee shall, in writing, require any costs which a sheriff has deducted under section 46 (2) of the Act to be taxed, the sheriff shall, within seven days from the date of the request, bring in such costs for taxation, which shall be taxed by the Taxing Officer of the Court having jurisdiction in the bankruptcy; and any amount disallowed on such taxation shall forthwith be paid over by the sheriff to the Official Receiver or trustee as the case may require.

21. Every person whose bill or charges is or are to be taxed shall in all cases give not less than seven days' notice of the appointment to tax the same to the Official Receiver and to the trustee (if any).

22. The bill or charges, if incurred prior to

the appointment of a trustee, shall be lodged with the Official Receiver, and if incurred after the appointment of a trustee, shall be lodged with the trustee, three clear days before the application for the appointment to tax the same is made. The Official Receiver or the trustee, as the case may be, shall forthwith, on receiving notice of taxation, lodge such bill or charges with the proper Taxing Officer.

23. Every person whose bill or charges is or are to be taxed shall, on application either of the Official Receiver or the trustee, furnish a copy of his bill or charges so to be taxed, on payment at the rate of 4*d.* per folio of seventy-two words, which payment may be charged to the estate. The Official Receiver shall call the attention of the trustee to any items which, in his opinion, ought to be disallowed or reduced.

24. Every solicitor's bill of costs and charges payable out of the estate of a debtor shall distinguish, by insertion in separate columns, costs out of pocket from charges for work done and time expended.

25. Where any party to, or person affected by any proceeding desires to make an application for an order that he be allowed his costs, or any part of them, incident to such proceeding, and such application is not made at the time of the proceeding—

(1.) Such party or person shall serve notice of his intended application on the Official Receiver, and, if a trustee has been appointed, on the trustee:

(2.) The Official Receiver and trustee may appear on such application and object thereto:

(3.) No costs of or incident to such application shall be allowed to the applicant, unless the Court is satisfied that the application could not have been made at the time of the proceeding.

Review of Taxation.

26. Rule 104 of the Bankruptcy Rules, 1883, is hereby annulled, and the following Rule is substituted therefor:—

(1.) Where any bill of costs, charges, fees, or disbursements of any solicitor, manager, accountant, auctioneer, broker, or other person has been taxed by a Registrar of a County Court, the Board of Trade may require the taxation to be reviewed by a Bankruptcy Taxing Master of the High Court.

(2.) In any case in which the Board of Trade require such a review of taxation as is above mentioned they shall give notice to the person whose bill has been taxed, and shall apply to the Taxing Master of the High Court to appoint a time for the review of such taxation, and thereupon the Taxing

Master of the High Court shall appoint a time for the review of, and shall review, such taxation. The Board of Trade shall give to the person whose bill of costs is to be reviewed notice of the time appointed for the review.

(3.) Where any such review of taxation as is above mentioned is required to be made by a Bankruptcy Taxing Master of the High Court, the Registrar of the County Court shall (if required by the Taxing Master) forward to the said Taxing Master the bill which is required to be reviewed, and also the file of the proceedings.

(4.) The Board of Trade may appear upon the review of the taxation; and if, upon the review of the taxation, the bill is allowed at a lower sum than the sum allowed by the Registrar of the County Court, the amount disallowed shall (if the bill has been paid) be repaid to the Official Receiver, or the trustee, or other person who may have originally paid the same. The certificate of the Taxing Master shall in every case of a review by him under this Rule be a sufficient authority to entitle the person to whom the amount disallowed ought to be repaid to demand such amount from the person liable to repay the same.

(5.) There shall be allowed to the person whose bill is reviewed such costs of and incidental to his appearance on the review as the Bankruptcy Taxing Master of the High Court shall think proper, and such costs shall be paid to such person out of the estate: Provided that the costs of the attendance of a principal shall not be allowed if in the opinion of the Taxing Master he could have been sufficiently represented by his London agent.

VII.—COSTS PAYABLE OUT OF THE ESTATE.

Priority.

27. Rule 105 of the Bankruptcy Rules, 1883, is hereby annulled, and the following Rule is substituted therefor:—

The assets in every matter remaining, after payment of the actual expenses incurred in realising any of the assets of the debtor, shall, subject to any order of the Court, be liable to the payment of the following costs and expenses, which shall be paid in the following order of priority, namely:—

First. The actual expenses incurred by the Official Receiver in protecting the property or assets of the debtor, or any part thereof, and any expenses or outlay incurred by him or by his authority in carrying on the business of the debtor:

Next. The fees, per-centages, and charges payable under Table D. of the Scale

of Fees; and any other fees payable to, or costs, charges, and expenses incurred or authorised by, the Official Receiver:

Next. The fee which, under the Scale of Fees for the time being in force, is required to be affixed to the copy of the Cash Book when forwarded for audit.

„ The remuneration of the special manager (if any):

„ The taxed costs of the petitioner:

„ The remuneration and charges of the person (if any) appointed to assist the debtor in the preparation of his statement of affairs:

„ Any allowance made to the debtor by the Official Receiver:

„ The taxed charges of any shorthand writer appointed by the Court:

„ The trustee's necessary disbursements other than actual expenses of realisation heretofore provided for:

„ The costs of any person properly employed by the trustee with the sanction of the committee of inspection:

„ Any allowance made to the debtor by the trustee with the sanction of the committee of inspection:

„ The remuneration of the trustee:

„ The actual out-of-pocket expenses necessarily incurred by the committee of inspection, subject to the approval of the Board of Trade.

Disallowance of Costs of unnecessary Petition.

28. In any case in which, after a bankruptcy petition has been presented by a creditor against a debtor, and before the hearing of such petition, the debtor files a petition, and a receiving order is made on the petition of the debtor, unless in the opinion of the Court the estate has benefited thereby, or there are special circumstances which make it just that such costs should be allowed, no costs shall be allowed to the debtor or his solicitor out of the estate.

Apportionment of Costs in case of Partnership.

29. In the case of a bankruptcy petition against a partnership, the costs payable out of the estates incurred up to and inclusive of the receiving order shall be apportioned between the joint and separate estates in such proportions as the Official Receiver may in his discretion determine.

30. Rule 107 of the Bankruptcy Rules,

1883, is hereby annulled, and the following rule is substituted therefor:—

(1.) Where the joint estate of any co-debtors is insufficient to defray any costs or charges properly incurred prior to the appointment of the trustee, the Official Receiver may pay or direct the trustee to pay such costs or charges out of the separate estates of such co-debtors, or one or more of them, in such proportions as in his discretion the Official Receiver may think fit. The Official Receiver may also, as in his discretion he may think fit, pay or direct the trustee to pay any costs or charges properly incurred, prior to the appointment of the trustee, for any separate estate out of the joint estate or out of any other separate estate, and any part of the costs or charges of the joint estate incurred prior to the appointment of the trustee which affects any separate estate out of that separate estate.

(2.) Where the joint estate of any co-debtors is insufficient to defray any costs or charges properly incurred after the appointment of the trustee, the trustee, with such consent as is hereinafter mentioned, may pay such costs or charges out of the separate estates of such co-debtors, or one or more of them. The trustee, with the said consent, may also pay any costs or charges properly incurred for any separate estate, after his appointment, out of the joint estate, and any part of the costs or charges of the joint estate incurred after his appointment which affects any separate estate out of that separate estate. No payment under this rule shall be made out of a separate estate or joint estate by a trustee without the consent of the committee of inspection of the estate out of which the payment is intended to be made, or, if such committee withhold or refuse their consent, without an order of the Court.

VIII.—LUNATICS.

31. Where any debtor or creditor is a lunatic not so found by inquisition, the Court may appoint such person as it shall think fit to do any act required by the Act or Rules to be done by such debtor or creditor.

IX.—BANKRUPTCY PETITION.

Description and Address of Debtor.

32.—(1.) Where a petition is presented by a debtor he shall, besides inserting therein his name and description, and his address at the date when the petition is presented, further describe himself as lately residing or carrying on business at the address or several addresses, as the case may be, at which he has incurred debts and liabilities which at the date of the petition remain unpaid or unsatisfied.

(2.) Where a petition is presented against a debtor who resides or carries on business at an address other than the address at which the debtor was residing or carrying on business at the time of contracting the debt or liability in respect of which the petition is presented, the petitioning creditor, in addition to stating in the petition the description of the debtor, as of his then present address and description, shall, in the petition, describe the debtor as lately residing or carrying on business at the address at which he was residing or carrying on business when the debt or liability was incurred.

Deposit.

33. Rule 128 of the Bankruptcy Rules, 1883, shall be read with the following words added at the end of the first paragraph thereof:—"and no petition shall be received unless the receipt of the Official Receiver for the deposit payable on the presentation of the petition is produced to the proper officer of the Court."

34. The second paragraph of the said Rule is hereby annulled, and the following is substituted therefor:—

(2.) The Official Receiver shall account for the money so deposited to the creditor, or, as the case may be, to the debtor's estate; and any sum so deposited by a petitioning creditor shall be repaid to such creditor (except and so far as such deposit may be required by reason of insufficiency of assets for the payment of the fees and of the expenses incurred by the Official Receiver) out of the first net proceeds of the estate.

Hearing of Petition.

35. On an application for an extension of time for the hearing of a petition, no order shall be made for an extension beyond 14 days from the day fixed for the hearing of the petition, unless the Court is satisfied that such extension of time will not be prejudicial to the general body of creditors. Any costs occasioned by such application shall not be allowed out of the estate unless so ordered by the Court.

36. After the expiration of one month from the day appointed for the first hearing of a petition (provided such petition shall have been duly served) no further adjournment of the hearing merely by consent of the parties shall be allowed, except for the reasons set forth in Rule 139 of the Bankruptcy Rules, 1883, or for such other sufficient reason to be stated in the order for adjournment as the Court shall think fit; but in every such case, unless an order for adjournment is made, the Court shall either make a receiving order or dismiss the petition.

X.—RECEIVING ORDERS.

Form.

37. Rule 150 of the Bankruptcy Rules, 1883, is hereby annulled, and the following Rule is substituted therefor:—

A receiving order shall be in one of the Forms Nos. 5 and 6 in the Appendix to these Rules, with such variations as circumstances may require.

When the receiving order is made on a creditor's petition there shall be stated in the receiving order the nature and date, or dates, of the act or acts, of bankruptcy upon which the order has been made. Every order shall contain at the foot thereof a notice requiring the debtor to attend on the Official Receiver forthwith on the service thereof at the place mentioned therein.

38. Every receiving order, and order for the appointment of the Official Receiver as Interim Receiver of a debtor's property, shall be prepared by the Registrar of the Court, and, in cases in which printed forms can be conveniently used, may be partly in print and partly in writing. Where the petitioner is represented by a solicitor the receiving order shall be indorsed with the name and address of such solicitor.

39. A copy of every receiving order, and order for the appointment of the Official Receiver as Interim Receiver of the debtor's property, sealed with the seal of the Court, shall forthwith be sent by post or otherwise by the Registrar to the Official Receiver.

40. A copy of the receiving order sealed with the seal of the Court shall be forthwith served on the debtor in the High Court by such officer as the Official Receiver may appoint, or in a County Court by the bailiff or officer of the Court appointed to serve the process of the Court, either personally or by leaving the same with some adult inmate at his usual or last known place of residence or business.

Interim Receiver.

Rule 184 of the Bankruptcy Rules, 1883, is hereby annulled, and the following Rules are substituted therefor:—

41. After the presentation of a petition, upon the application of a creditor, or of the debtor himself, and upon proof by affidavit of sufficient grounds for the appointment of the Official Receiver as Interim Receiver of the property of the debtor, or any part thereof, the Court may, if it thinks fit, and upon such terms as may be just, make such appointment.

42. Where an order is made appointing the Official Receiver to be Interim Receiver of the property of the debtor, such order shall

bear the number of the petition in respect of which it is made, and shall state the locality of the property of which the Official Receiver is ordered to take possession.

43. Before any such order is issued, the person who has made the application therefor shall deposit with the Official Receiver the sum of 5*l.* towards the prescribed fee for the Official Receiver, and such further sum as the Court shall direct for the expenses which may be incurred by him.

44. If the sum of 5*l.*, and such further sum so to be deposited for the expenses which may be incurred by the Official Receiver, shall prove to be insufficient, the person, on whose application the order has been made, shall from time to time deposit with the Official Receiver such additional sum as the Court may, on the application of the Official Receiver, from time to time direct; and such sum shall be deposited within twenty-four hours after the making of the order therefor. If such additional sum shall not be so deposited, the order appointing the Interim Receiver shall be discharged by the Court.

45. If an order appointing an Interim Receiver is followed by a receiving order, the deposits made by the creditor, on whose application such Interim Receiver was appointed, shall be repaid to him (except and so far as such deposits may be required by reason of insufficiency of assets for the payment of the fees chargeable, and the expenses incurred by the Interim Receiver) out of the first net proceeds of the estate.

46. Where, after an order has been made appointing an Interim Receiver, the petition is dismissed, the Court shall, upon application to be made within twenty-one days from the date of the dismissal thereof, adjudicate, with respect to any damages or claim thereto arising out of the appointment, and shall make such order as it thinks fit; and such decision or order shall be final and conclusive between the parties, unless the order be appealed from.

XI.—PUBLIC EXAMINATION OF DEBTOR.

Time for holding.

47. When a receiving order has been made against a debtor, it shall be the duty of the Official Receiver to make an application to the Court to appoint a day and hour for holding the public examination of the debtor, and, upon such application being made, the Court shall, by an order, appoint the day and hour for such public examination, and shall order the debtor to attend the Court upon such day and at such hour.

48. Every order appointing the time for holding or proceeding with the public ex-

amination shall be served on the debtor, in the High Court by such officer as the Official Receiver may appoint, and in a County Court by the bailiff or officer of the Court appointed to serve the process of the Court. Such order shall be deemed to be sufficiently served on the debtor if it is delivered at his usual or last known place of abode or business.

Default by Debtor in attending.

49. If the debtor fails to attend the public examination at the time and place appointed by any order for holding or proceeding with the same, and no good cause is shewn by him for such failure, it shall be lawful for the Court, upon its being proved to the satisfaction of the Court that the order requiring the debtor to attend the public examination was duly served as required by the last preceding Rule, and without any further notice to the debtor, to issue a warrant for his arrest as provided by section 25 (1.) (d.) of the Act, or to make such other order as it shall think just.

Notice of Examination.

50. Where any order is made appointing the time and place for holding the public examination of a debtor, the Official Receiver shall give to the creditors notice of such order, and of the time and place appointed thereby. The Official Receiver shall also send a notice of such order to such local paper as the Board of Trade may from time to time direct, or in default of such direction as he may think fit.

Adjournments sine die.

51. Where the Court is of opinion that a debtor is failing to disclose his affairs, or where the debtor has failed to attend the public examination or any adjournment thereof, or where the debtor has not complied with any order of the Court in relation to his accounts, conduct, dealings, and property, and no good cause is shewn by him for such failure, the Court may adjourn the public examination *sine die*, and may make such further or other order as it shall think fit.

Proceeding after Adjournment sine die.

52. Where an examination has been adjourned *sine die*, and the debtor desires to have a day appointed for proceeding with his public examination, the expense of gazetting, advertising, and giving notice to creditors of the day to be appointed for proceeding with such examination, shall, unless the Official Receiver or trustee, as the case may be, consents to the costs being paid out of the estate, be at the cost of the debtor, who shall, before any day is appointed for proceeding with the

public examination, deposit with the Official Receiver such sum as the Official Receiver shall think sufficient to defray the expense aforesaid. The balance of the deposit after defraying the expense aforesaid shall be returned to the debtor.

53. In any case in which a public examination has been adjourned *sine die*, and the Court afterwards makes an order for proceeding with such public examination, notice to creditors of the time and place appointed for proceeding with such public examination shall be sent by the Official Receiver, and notice shall also be inserted in the "London Gazette," and in the local paper in which the notice of the first holding of the public examination was inserted, seven days before the day appointed.

XII.—ADJUDICATION.

Adjudication on failure of Composition or Scheme.

54. In any case in which, at the first meeting of the creditors of a debtor, a resolution for the acceptance of a composition or scheme of arrangement has been passed by the creditors pursuant to section 18 of the Act, if, before the holding of the subsequent meeting for the confirmation of such resolution, the debtor informs the Official Receiver (in writing) that he is unable to carry out the proposed composition or scheme, or if, at the subsequent meeting, the proposed composition or scheme be not confirmed, the Official Receiver shall forthwith apply to the Court to adjudicate the debtor a bankrupt; and the Court may, on such application, and without any notice to the debtor, adjudge him bankrupt.

Annulment of Adjudication.

55. The order of the Court annulling an adjudication shall not relieve a trustee from the liability imposed on trustees by the Act and Rules to account to the Board of Trade for all transactions of such trustee in connection with the estate.

56. The second paragraph of Rule 211 of the Bankruptcy Rules, 1883, as amended by Rule 106 of these Rules, shall be read with the words "or if the adjudication is annulled," inserted therein after the words "realised and distributed."

XIII.—COMPOSITIONS AND SCHEMES OF ARRANGEMENT.

Application for Approval.

57. Where the creditors have confirmed a composition or scheme of arrangement, and the debtor has not within three days from the date of such confirmation applied to the

Court to approve of it, the Official Receiver may make an application to the Court for the approval of such composition or scheme, whether he reports in favour of it or not. The Official Receiver shall not, by making an application to the Court under section 18 of the Act for the approval of the Court to such composition or scheme, be deemed necessarily to approve of the same.

58. Any person other than the Official Receiver who applies to the Court to approve of a composition or scheme shall, not less than ten days before the day appointed for hearing the application, send notice of the application to the Official Receiver.

59. Whenever an application is made to the Court to approve of a composition or scheme, the Official Receiver shall, not less than seven days before the day appointed for hearing the application, send notice of the application to every creditor who has proved his debt.

60. In any case in which an application is made to the Court to approve of a composition or scheme, and the Official Receiver reports to the Court any fact, matter, or circumstance which would, under section 18 (6) of the Act, justify the Court in refusing to approve of the composition or scheme, such application shall be deemed to be an opposed application within the meaning of paragraph (d) of sub-section 2 of section 99 of the Act.

61. In every case of an application to the Court to approve of a composition or scheme of arrangement, the report of the Official Receiver, made pursuant to section 18 of the Act, shall be filed not less than four days before the time fixed for hearing the application.

62. On the hearing of any application to the Court to approve of a composition or scheme, the Court shall, in addition to considering the report of the Official Receiver, hear the Official Receiver and the trustee (if any) thereon, and an appeal to the Court of Appeal shall lie at the instance of the Board of Trade, or of the trustee (if any), from any order of the Court made upon such an application.

63. No costs incurred by a debtor, or of incidental to an application to approve of a composition or scheme, shall be allowed out of the estate if the Court refuses to approve the composition or scheme.

Terms of Resolution.

64. Every resolution for a composition, or instrument embodying the terms of a proposed composition, which is to be submitted to the Court pursuant to section 18 of the Act, shall, in addition to the other particulars required to be contained therein, specify the

manner (if any) in which the payments of the composition are to be secured.

65. In every case of a composition in which a trustee is not appointed to distribute such composition, or, if appointed, declines to act, or becomes incapable of acting, and in every case of a scheme or composition where an order has been made for an administration in a summary manner, and in which a trustee is not appointed to administer the debtor's property, or, if appointed, declines to act, or becomes incapable of acting under the terms of such composition or scheme, the Official Receiver shall be the trustee for the purpose of receiving and distributing the composition, or for the purpose of administering the debtor's property, and carrying out the terms of the composition or scheme, as the case may be.

Deposit by Debtor to cover Costs.

66. Where a composition or scheme of arrangement has been duly confirmed by the creditors as provided by section 18 of the Act, or in small bankruptcies by Rule 199 of the Bankruptcy Rules, 1883, such composition or scheme shall not be approved by the Court unless the Court is satisfied, on the report of the Official Receiver, that provision is made for payment of the *ad valorem* duty for the time being payable in respect of the gross amount of the composition, or of the estimated assets (Table A.), and all proper costs, charges, and expenses of and incidental to the proceedings, and all fees and per-centages payable to the Official Receiver and the Board of Trade under the scale of fees and per-centages in force for the time being.

Fee on Application.

67. The fee prescribed to be charged for and in respect of an application to the Court under sections 18 and 23 of the Act may be allowed and paid out of the estate of the debtor in any case in which there are sufficient funds in the hands of the Official Receiver or trustee, as the case may be, available for the purpose.

Security by Trustee under Scheme.

68. Where under a composition or scheme of arrangement a trustee is appointed to administer the debtor's property or manage his business, such trustee shall, after the composition or scheme has been approved by the Court, give security to the satisfaction of the Board of Trade in like manner as if he were a trustee in bankruptcy. If the trustee fail to give such security within the time required he may be removed by the Board of Trade.

Proof of Debts in Compositions.

69. Every person claiming to be a creditor under any composition or scheme of arrangement, who has not proved his debt before the approval of such composition or scheme, shall lodge his proof with the trustee, if any, or, if there is no such trustee, with the Official Receiver, who shall admit or reject the same. And no creditor shall be entitled to enforce payment of any part of the sums payable under a composition or scheme unless and until he has proved his debt, and his proof has been admitted.

Compositions and Schemes under Section 23.

70. All rules relating to compositions or schemes of arrangement under section 18 of the Act shall, so far as applicable, apply to compositions or schemes of arrangement under section 23 of the Act.

XIV.—FILING STATEMENT OF AFFAIRS.

Extension of Time.

71. Where any debtor requires any extension of the time for the filing by him of his statement of affairs, he shall apply to the Official Receiver, who may, if he thinks fit, give a written certificate extending such time, which certificate shall be filed, and shall render an application to the Court under section 16 of the Act unnecessary.

XV.—PROOF OF DEBTS.

Proofs for Wages.

72. In any case in which it shall appear from the debtor's statement of affairs that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor, or his foreman, or some other person on behalf of all such creditors. Such proof shall have annexed thereto, as forming part thereof, a schedule setting forth the names of the workmen and others, and the amounts severally due to them. Any proof made in compliance with this rule shall have the same effect as if separate proofs had been made by each of the said workmen and others, but shall be stamped with one stamp as an ordinary proof.

Production of Bills of Exchange and Promissory Notes.

73. Where a creditor seeks to prove in respect of a bill of exchange, promissory note, or other negotiable instrument or security on which the debtor is liable, such bill of exchange, note, instrument, or security must, subject to any special order of the Court made to the contrary, be produced to the Official Receiver, chairman of a meeting, or

trustee, as the case may be, before the proof can be admitted either for voting or for dividend.

Time for lodging Proofs.

73a. Rule 170 of the Bankruptcy Rules, 1883, is hereby annulled, and the following Rule is substituted therefor:—

A proof intended to be used at the first meeting of creditors shall be lodged with the Official Receiver not later than the time mentioned for that purpose in the notice convening the meeting, but which time shall not be earlier than twelve o'clock at noon of the day but one before, nor later than twelve o'clock at noon of the day before the day appointed for such meeting.

Procedure for dealing with Proofs.

Rules 171, 172, and 173 of the Bankruptcy Rules, 1883, are hereby annulled, and the following Rules are substituted therefor:—

74. Where a trustee is appointed in any matter, all proofs of debts that have been received by the Official Receiver shall be handed over to the trustee. But the Official Receiver shall first make a list of such proofs, and take a receipt thereon from the trustee for such proofs.

75. The Official Receiver, where no other trustee is appointed, shall forthwith, after the final payment has been made in a composition or scheme of arrangement duly approved by the Court and in a bankruptcy after a final dividend has been declared, send to the Registrar all proofs tendered in the proceeding, with a list thereof certified to be correct, distinguishing in such list the proofs which were wholly or partly admitted, and the proofs which were wholly or partly rejected.

76. A trustee in every bankruptcy proceeding, other than the Official Receiver, shall, on the first day of every month, send to the Registrar a certified list of all proofs, if any, received by him from the Official Receiver, or otherwise tendered during the month next preceding, distinguishing in such lists the proofs admitted, those rejected, and such as stand over for further consideration; and, in the case of proofs admitted or rejected, he shall transmit the proofs themselves for the purpose of being filed.

77. The Official Receiver, or, as the case may be, the trustee, shall, within three days after receiving notice from a creditor of his intention to appeal against a decision rejecting a proof, file such proof with the Registrar, with a memorandum thereon of his disallowance thereof. After the appeal has been heard by the Court, the proof, unless wholly disallowed, shall be given back to the Official Receiver or trustee, as the case may be.

78. Subject to the power of the Court to extend the time, the Official Receiver, as trustee, not later than seven days from the latest date specified in the notice of his intention to declare a dividend, as the time within which such proofs must be lodged, shall, in writing, either admit or reject wholly or in part every proof lodged with him, or require further evidence in support thereof.

79. Subject to the power of the Court to extend the time, the trustee, other than the Official Receiver, within 28 days after receiving a proof which has not previously been dealt with by the Official Receiver, shall, in writing, either admit or reject it wholly or in part, or require further evidence in support thereof. Provided that where the trustee has given notice of his intention to declare a dividend he shall within seven days after the date mentioned in such notice as the latest date up to which proofs must be lodged, examine and in writing admit or reject every proof which has not been already admitted or rejected, and give notice of his decision rejecting a proof wholly or in part to the creditor affected thereby.

80. Where a creditor's proof has been admitted the notice of dividend shall be sufficient notification to such creditor of such admission.

[Rule 174 to stand as at present.]

Costs of Appeals from Decisions as to Proofs.

81. The Official Receiver shall in no case be personally liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part.

XVI.—DIVIDENDS.

Notice of Dividend.

82. Rule 175, paragraphs (1) and (2) of the Bankruptcy Rules, 1883, are hereby annulled, and the following Rule is substituted therefor:—

(1.) Not more than two months before declaring a dividend, the trustee shall give notice of his intention to do so to the Board of Trade in order that the same may forthwith be gazetted, and at the same time to such of the creditors mentioned in the bankrupt's statement of affairs as have not proved their debts. Such notice shall specify the latest date up to which proofs must be lodged, which shall be not less than 14 days from the date of such notice.

[Paragraphs (3), (4), and (5) of Rule 175 to remain as at present.]

(6.) If it becomes necessary, in the opinion of the trustee and the committee of inspection, if any, to postpone the declaration of

the dividend beyond the prescribed limit of two months, the trustee shall give a fresh notice of his intention to declare a dividend to the Board of Trade in order that the same may forthwith be gazetted; but it shall not be necessary for such trustee to give a fresh notice to such of the creditors mentioned in the bankrupt's statement of affairs as have not proved their debts. In all other respects the same procedure shall follow the fresh notice as would have followed the original notice.

XVII.—DISCHARGE.

Application.

Rule 178 of the Bankruptcy Rules, 1883, is hereby annulled, and the following Rules are substituted therefor:—

83. A bankrupt intending to apply for his discharge, under section 28 of the Act, shall produce to the Registrar a certificate from the Official Receiver specifying the number of his creditors, of whom he has notice (whether they have proved or not), and the Registrar shall, not less than 28 days before the day appointed for hearing the application, give notice in the prescribed form of the time and place of the hearing of the application to the trustee and to the Official Receiver. The Registrar shall forthwith send a copy of such notice to the Board of Trade for insertion in the London Gazette, and the Official Receiver shall send a copy of such notice to each creditor not less than 14 days before the day so appointed. Such notice shall be in the Form No. 24 in the Appendix to these Rules.

84. In any case in which an application is made to the Court by a bankrupt for his discharge, and the Official Receiver reports to the Court any fact, matter, or circumstance, which would, under section 28 or section 29 of the Act, justify the Court in refusing an unconditional order of discharge, such application shall be deemed to be an opposed application within the meaning of section 99 (2.) (c.) of the Act.

85. An appeal to the Court of Appeal shall lie at the instance of the Board of Trade, and at the instance of the trustee (if any) from any order of the Court made upon such an application.

Report of Official Receiver.

86. In every case of an application by a bankrupt for his discharge the report of the Official Receiver, made pursuant to section 28 of the Act, shall be filed not less than seven days before the time fixed for hearing of the application.

87. A bankrupt shall not be entitled to have any of the costs of or incidental to his

application for his discharge allowed to him out of his estate.

Conditional Orders under Subsection 6 of Section 28.

88. (1.) Where, under subsection (6) of section 28 of the Act, the Court grants an order of discharge conditionally upon the bankrupt consenting to judgment being entered against him by the Official Receiver or trustee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge, the Court shall not deliver out the order of discharge until the bankrupt has given the required consent in the form prescribed in the Appendix to these Rules. The judgment shall be entered in the Court having jurisdiction in the bankruptcy in which the order of discharge is granted, and shall be in the form prescribed in the Appendix to these Rules.

(2.) The Registrar of a County Court in which judgment is so entered shall forthwith make a return of the judgment to the Registrar of County Court judgments.

(3.) The order granting the discharge upon the conditions aforesaid shall be in the form prescribed in the Appendix to these Rules.

Form of Order of Discharge.

89. Rule 179 of the Bankruptcy Rules, 1883, shall be read with the words, "The Order shall be in the Form No. 45 in the Appendix," inserted at the end thereof.

XVIII.—PROXIES.

Filling in when Creditor incapable, &c.

90. The proxy of a creditor blind or incapable of writing may be accepted if such creditor has attached his signature or mark thereto in the presence of a witness, who shall add to his signature his description and residence; and provided that all insertions in the proxy are in the handwriting of the witness, and such witness shall have certified at the foot of the proxy that all such insertions have been made by him at the request of the creditor and in his presence before he attached his signature or mark.

91. Rule 183 (4) of the Bankruptcy Rules, 1883, shall be read with the following sentence added at the end thereof, namely, "Such authority shall be in writing."

92. No person shall be appointed a general or special proxy who is a minor.

XIX.—MEETINGS OF CREDITORS.

Adjournment.

93. Where a meeting of creditors is adjourned, the adjourned meeting shall be held at the same place as the original place of

meeting, unless in the resolution for adjournment another place is specified.

Quorum.

94. In calculating a quorum of creditors present at a meeting those persons only who are entitled to vote at the meeting shall be reckoned.

XX.—JOINT AND SEPARATE ESTATES.

First Meeting, Composition, &c.

95. In cases where a receiving order is made against a firm, the joint and separate creditors shall collectively be convened to the first meeting of creditors.

96. At the first meeting, or any adjournment thereof, the joint creditors and each set of separate creditors may severally entertain proposals for compositions or schemes of arrangement under section 18 of the Act. So far as circumstances will allow, a proposal entertained by joint creditors may be confirmed and approved in the prescribed manner, notwithstanding that the proposals or proposal of some or one of the debtors made to their or his separate creditors may not be entertained, confirmed, and approved.

97. Where proposals for compositions or schemes are made by a firm, and by the partners therein individually, the proposal made to the joint creditors shall be considered and voted upon by them apart from every set of separate creditors; and the proposal made to each separate set of creditors shall be considered and voted upon by such separate set of creditors apart from all other creditors. Such proposals may vary in character and amount. Where a composition or scheme is approved, the receiving order shall be rescinded only so far as it relates to the estate, the creditors of which have confirmed the composition or scheme.

Adjudication: Trustee.

98. On the adjudication in bankruptcy of a partnership the trustee appointed by the joint creditors, or by the Board of Trade under section 21 (6) or section 87 (3) of the Act, as the case may be, shall be the trustee of the separate estates. Each set of separate creditors may appoint its own committee of inspection; but if any set of separate creditors do not appoint a separate committee, the committee (if any) appointed by the joint creditors shall be deemed to have been appointed also by such separate creditors.

Separate Firms.

99. If any two or more of the members of a partnership constitute a separate and independent firm, the creditors of such last-

mentioned firm shall be deemed to be a separate set of creditors, and to be on the same footing as the separate creditors of any individual member of the firm. And where any surplus shall arise upon the administration of the assets of such separate or independent firm, the same shall be carried over to the separate estates of the partners in such separate and independent firm according to their respective rights therein.

Apportionment of Remuneration.

100. Where joint and separate estates are being administered, the remuneration of the trustee in respect of the administration of the joint estate may be fixed by the creditors, or (if duly authorised) by the committee of inspection of such joint estate, and the remuneration of the trustee in respect of the administration of any separate estate may be fixed by the creditors, or (if duly authorised) by the committee of inspection of such separate estate.

XXI.—SUMMARY ADMINISTRATION IN SMALL BANKRUPTCIES.

Advertisements, &c.

101. Instead of the first paragraph of Rule 199 of the Bankruptcy Rules, 1883, there shall be substituted the following:—

(1.) There shall be one advertisement only of the proceedings in a local paper, which shall be in the Form 38 in the Appendix to these Rules.

(2.) When an order for summary administration has been made, the title of every document in the proceedings subsequent to the making of the order shall have inserted thereon the words "Summary Case."

Meetings of Creditors, Composition, Dividends, &c.

102. Instead of the seventh paragraph of Rule 199 of the Bankruptcy Rules, 1883, such Rule shall have inserted therein the following provisions:—

(1.) The first meeting of creditors may, where it is expedient, be held on the day appointed for the public examination, or on any other day fixed by the official receiver.

(2.) Where a debtor intends to propose a composition or scheme under section 18 of the Act, he shall, when submitting his statement of affairs under section 16 of the Act, or within such time thereafter as the Official Receiver may fix, lodge with the Official Receiver a proposal in writing, signed by him, embodying the terms of the composition or scheme which he is desirous of submitting for the consideration of his creditors.

(3.) In such case the Official Receiver shall thereupon summon a first meeting of creditors, which shall be held before the public examination of the debtor is concluded, and send to each creditor, with the notice of the meeting, a copy of the debtor's proposal, with a report thereon; and if at such meeting a majority in number, and three fourths in value, of the creditors who have proved, resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors; and when approved by the Court shall be binding on all the creditors. It shall not be necessary to hold a subsequent meeting for the purpose of confirming the resolution accepting the debtor's proposal.

(4.) The forms of notice and report (Nos. 19 and 20) in the Appendix to these Rules shall be used with such variations or additions as circumstances may require.

(5.) The debtor may, at the meeting, amend the terms of his proposal; provided such variation shall, in the opinion of the Official Receiver, be calculated to benefit the general body of creditors.

(6.) Creditors who have proved their debts may, as prescribed by the second paragraph of section 18 (2) of the Act, record their votes at the meeting by means of a voting letter addressed to the Official Receiver.

(7.) The application to the Court to approve of a composition or scheme under this rule shall not be heard until after the conclusion of the public examination of the debtor. Any creditor who has proved, or his proxy, may be heard by the Court in opposition to the approval of the composition or scheme, notwithstanding that he may, at the meeting of creditors, have voted for its acceptance.

(8.) Where no proposal for a composition or scheme is lodged with the Official Receiver by the debtor, as prescribed by this Rule, the debtor shall be deemed to have no intention of submitting any proposal to his creditors; and thereupon the Official Receiver shall report the fact to the Court; and if the debtor has not previously been adjudged bankrupt, apply to the Court to adjudge him bankrupt, and the Court shall, on such application, and without any notice to the debtor, forthwith adjudge him bankrupt.

(9.) The provisions of this Rule shall, so far as applicable, extend to any composition or scheme (under section 23 of the Act) proposed by a bankrupt, whose estate has been ordered to be administered in a summary manner.

(10.) On an application by a bankrupt for his discharge the certificate of the Official Receiver shall not include, nor shall notices be

sent to, creditors whose debts do not exceed 2*l*.

(11.) In lieu of the copy of the account to be filed with the Court, as prescribed by section 78 (4) of the Act, a statement shewing the position of the estate analogous, as nearly as may be, to that prescribed by Rule 175 (4) of the Bankruptcy Rules, 1883, shall be filed.

(12.) Notices of meetings, other than of first meetings, or of sittings of the Court shall only be sent to creditors whose debts or claims exceed the sum of 2*l*.

(13.) The time mentioned in section 58 (2) of the Act shall be extended to six months.

XXII.—ADMINISTRATION ORDERS IN THE CASE OF DECEASED DEBTORS.

General Rules under Subsection 11 of Section 125 of the Act.

Gazetting and Proceedings generally.

103. Where an administration order under section 125 of the Act has been made, such order shall be gazetted and advertised in the same manner in all respects as an order of adjudication is gazetted and advertised.

Duties of Executor, &c.

104. When an administration order under section 125 of the Act has been made it shall be the duty of the executor or legal personal representative of the deceased debtor to lodge with the Official Receiver forthwith (in duplicate) an account of the dealings with, and administration of (if any), the deceased's estate by such executor or legal personal representative, and such executor or legal personal representative shall also furnish forthwith in duplicate a list of the creditors and a statement of the assets and liabilities and such other particulars of the affairs of the deceased, as may be required by the Official Receiver. Every account, list, and statement, to be made under this rule, shall be made and verified as nearly as may be in accordance with the practice for the time being of the Chancery Division of the High Court.

The expense of preparing, making, verifying, and lodging any account, list, and statement under this rule shall, after being taxed, be allowed out of the estate, upon production of the necessary allocatur.

105. In any case in which an administration order under section 125 of the Act has been made, and it appears to the Court, on the report of the Official Receiver, that no executor or legal personal representative exists, the account, list, and statement mentioned

in the last preceding rule shall be made, verified, and lodged by such person as in the opinion of the Court, upon such report, may have taken upon himself the administration of, or may otherwise have intermeddled with, the property of the deceased, or any part thereof.

XXIII.—ACCOUNTS AND AUDIT.

Time for sending Accounts.

106. The second paragraph of Rule 211 of the Bankruptcy Rules, 1883, shall be read as if after the word "realised" there were inserted the words "and distributed."

XXIV.—TRUSTEES AND COMMITTEE OF INSPECTION.

Appointment.

107. Rule 219 of the Bankruptcy Rules, 1883, shall be read with the following words inserted at the end thereof:—"The expense of such gazetting and notice shall be borne by the trustee, and may be charged by him to the estate."

108. It shall be a sufficient reason for refusing to certify the appointment of a person as trustee that in any other proceeding under the Act such person has either been removed under section 86 (2) of the Act from the office of trustee, or has failed or neglected without good cause shewn by him to render his accounts for audit for two months after the date by which the same should have been rendered.

109. The 3rd sub-rule of Rule 253 of the Bankruptcy Rules, 1883, is hereby annulled, and the following is substituted therefor:—

The Board of Trade shall fix the amount and nature of such security, and may from time to time, as they think fit, either increase or diminish the amount of special or general security which any person has given.

110. Where a trustee or special manager has given security in the prescribed manner, but fails to keep up such security, the Board of Trade may, if they think fit, remove him from his office.

Release.

111. Rule 226 of the Bankruptcy Rules, 1883, is hereby annulled, and the following Rule is substituted therefor:—

A trustee before making application to the Board of Trade for his release shall give notice of his intention so to do according to the Form 93 in the Appendix to the Bankruptcy Rules, 1883, to all the creditors of the debtor who have proved their debts, and to the debtor, and shall send with such notice a summary of his receipts and payments as

trustee: Provided that where such application is made upon the trustee ceasing to act by reason of a composition having been approved under section 23 of the Act, such notice and summary shall be sent to the debtor only.

112. Where the Board of Trade have granted to a trustee his release a notice of the order granting such release shall be gazetted. The trustee shall be required to provide the requisite stamp fee, which may be charged to the estate.

Dealings with Estate.

113. Neither the trustee nor any member of the committee of inspection of an estate shall, while acting as trustee or member of such committee, except by leave of the Court, either directly or indirectly, by himself or any partner, clerk, agent, or servant, become purchaser of any part of the estate. Any such purchase made contrary to the provisions of this rule may be set aside by the Court on the application of the Board of Trade or any creditor.

114. No member of a committee of inspection of an estate shall, except under and with the sanction of the Court, directly or indirectly, by himself or any employer, partner, clerk, agent, or servant, be entitled to receive out of the estate any payment for services rendered by him in connection with the administration of the estate, or for any goods supplied by him to the trustee for or on account of the estate. If it appears to the Board of Trade that any payment has been made contrary to the provisions of this rule they may disallow such payment on the audit of the trustee's account.

Discharge of Costs, &c., before Estate handed over to Trustee.

115. Rule 247 of the Bankruptcy Rules, 1883, is hereby annulled, and the following Rule is substituted therefor:—

(1.) Where a debtor is adjudged bankrupt, and a trustee is appointed, the Official Receiver shall forthwith put the trustee into possession of all property of the bankrupt of which the Official Receiver may be possessed; provided that such trustee shall have, before the estate is handed over to him by the Official Receiver, discharged any balance due to the Official Receiver on account of fees, costs, and charges properly incurred by him and payable under the Act, and on account of all advances properly made by him in respect of the estate, together with interest on such advances at the rate of four per cent. per annum, and shall have discharged or undertaken to discharge all guarantees which have been properly given by the Official

Receiver for the benefit of the estate; and the trustee shall pay all fees, costs, and charges of the Official Receiver which may not have been discharged by the trustee before being put into possession of the property of the bankrupt, and whether incurred before or after he has been put into such possession.

(2.) The Official Receiver shall be deemed to have a lien upon the estate until such balance shall have been paid, and such guarantees and other liabilities shall have been discharged.

(3.) It shall be the duty of the Official Receiver, if so requested by the trustee, to communicate to the trustee all such information respecting the bankrupt and his estate and affairs as may be necessary or conducive to the due discharge of the duties of the trustee.

Remuneration.

116. Except as provided by the Act or Rules, no trustee shall be entitled to receive out of the estate any remuneration for services rendered to the estate, except the remuneration to which under the Act and Rules he is entitled as trustee.

117. In any case in which, under the provisions of sub-section 6 of section 21, or sub-section 3 of section 87 of the Act, the Board of Trade appoint a trustee, the trustee shall receive out of the estate such remuneration as the Board of Trade shall determine.

118. The second paragraph of Rule 224 of the Bankruptcy Rules, 1883, is hereby annulled.

119. Where the Board of Trade is of opinion that any act done by a trustee or any resolution passed by a committee of inspection should be brought to the notice of the creditors, for the purpose of being reviewed or otherwise, the Official Receiver may summon a meeting of creditors accordingly to consider the same, and the expense of summoning such meeting shall be paid by the trustee out of any available assets under his control.

XXV.—OFFICIAL RECEIVERS.

Applications to the Court.

120. Where for the purposes of any application to the Court by the Official Receiver for directions, or to adjudge a debtor bankrupt, or for leave to disclaim a lease, or for an extension of time to apply for leave to disclaim a lease, or for an order to take criminal proceedings against a bankrupt, or to commit a bankrupt, it is necessary that evidence be given by him in support of such application, such evidence may be given by a report of

the Official Receiver to the Court, and need not be given by affidavit, and any such report of the Official Receiver to the Court shall be received by the Court as *prima facie* evidence of the matters reported upon.

Trading Account of Debtor.

121. The debtor shall on the request of the Official Receiver furnish him with trading and profit and loss accounts, and a cash and goods account for such period not exceeding two years prior to the date of the receiving order as the Official Receiver shall specify: Provided that the debtor shall, if ordered by the Court so to do, furnish such accounts as the Court may order for any longer period. If the debtor fails to comply with the requirements of this rule the Official Receiver shall report such failure to the Court, and the Court shall take such action on such report as it shall think just.

Liability for Costs, Expenses, and Damages.

122. The following provisions shall apply to every case in which proceedings are taken either by action, motion, or in any other manner, against any Official Receiver in respect of anything done or default made by him, when acting, or in the *bona fide* and reasonable belief that he is acting in pursuance of the Act, or in execution of the powers given to Official Receivers by the Act:—

(1.) Subject to the provisions of the next following sub-section, the costs, damages, and expenses which the Official Receiver may have to pay, or to which he may be put under such proceedings, shall be paid out of the estate of the debtor.

(2.) As soon as any such proceedings are commenced it shall be the duty of the Official Receiver to report the same to the Board of Trade, who shall determine whether or not such proceedings shall be resisted or defended.

The Official Receiver shall not, unless the Court shall otherwise order, be entitled to be paid out of the estate any costs or expenses which he may have to pay or bear in consequence of resisting or defending any such proceedings, unless the Board of Trade have determined that such proceedings shall be resisted or defended.

(3.) The Official Receiver shall, if necessary, apply to the Court for any reasonable adjournment of any motion, or other summary proceedings before a Court having jurisdiction in bankruptcy, pending the determination of the Board of Trade upon the question whether such motion or proceedings should be resisted or defended. And the Court may grant an adjournment upon such terms as it shall think fit.

(4) If such proceedings are commenced before the appointment of a trustee by the creditors, or before the approval of a composition or scheme, the Official Receiver may, before putting the trustee appointed by the creditors, or in the case of a composition the debtor himself, into possession of the debtor's property, retain the whole or some part of the debtor's estate according as the Board of Trade shall in each case direct, to meet the damages, costs, or expenses which the Official Receiver may have to pay or bear in consequence of the said proceedings. If such proceedings are commenced after the appointment of a trustee by the creditors, or after the approval of a composition or scheme, the Official Receiver shall forthwith give notice of such proceedings to the trustee, or other person in whom the estate of the debtor may be vested (including where necessary the debtor himself), and the estate of the debtor shall, as from the date of such notice, be deemed to be charged with the payment of the said damages, costs, and expenses.

XXVI.—BANK PAYMENTS.

Local Banking Account.

123. Rule 251 of the Bankruptcy Rules, 1883, shall be read as if, instead of the words in such Rule "and countersigned by such person as the creditors or the committee of inspection may appoint," such Rule contained the following words "and shall be countersigned by at least one member of the committee of inspection, and by such other person, if any, as the creditors or the committee of inspection may appoint."

XXVII.—SPECIAL MANAGER.

Accounts.

124. Every special manager shall account to the Official Receiver, and such special manager's accounts shall be verified by affidavit in the prescribed form, and, when approved by the Official Receiver, the totals of the receipts and payments shall be added to the Official Receiver's accounts.

XXVIII.—RULE UNDER SECTION 103.

Receiving Order on Judgment Debtor Summons.

125. When a receiving order is made under section 103 of the Act, the Court by which the receiving order is made, or the Court to which the matter is transferred, as the case may be, may, if such Court is satisfied, by affidavit or otherwise, or by the report of the Official Receiver of such Court, that the property of the debtor (after deduction of any property in the hands of secured creditors, debts enforceable by distress, the costs of

execution under section 46 (1) of the Act, and all debts which under the Act are directed to be paid in priority to other debts), is not likely to exceed in value 300L., make an order that the debtor's estate be administered in a summary manner pursuant to section 121 of the Act and the rules made thereunder.

XXIX.—AUCTIONEERS, &c.

Expenses of Sales.

126. Where property forming part of a debtor's estate is sold by the trustee through an auctioneer or other agent, the gross proceeds of the sale shall be paid over by such auctioneer or agent, and the charges and expenses connected with the sale shall afterwards be paid to such auctioneer or agent on the production of the necessary allocatur of the Taxing Officer. Every trustee, by whom such auctioneer or agent is employed, shall be accountable for the proceeds of every such sale.

XXX.—ALLOWANCE TO DEBTOR.

Allowance in Money.

127. In any case in which, under the provisions of section 64 of the Act, a trustee makes an allowance to a bankrupt out of his property, such allowance, unless the creditors by special resolution determine otherwise,

shall be in money, and the amount allowed shall be duly entered in the trustee's accounts.

XXXI.—GAZETTING.

128. Where any Receiving Order is amended, and also in any case in which any matter which has been gazetted has been amended or altered, or in which a matter has been wrongly or inaccurately gazetted, the Board of Trade shall regazette such order or matter with the necessary amendments and alterations in the prescribed form at the expense of the estate.

XXXII.—FORMS.

129. The forms in the Appendix to these Rules shall be used in addition to the forms prescribed by the Bankruptcy Rules, 1883; and such of the forms in the Appendix to these Rules as contain additions to or amendments of the corresponding forms prescribed by the Bankruptcy Rules, 1883, shall be used in substitution for or as amendments of such forms.

(Signed) HERSCHELL, C.

I concur.

(Signed) A. J. MUNDELLA,

President of the Board of Trade.

July 29th, 1886.

APPENDIX OF FORMS.

No. 1.

ORDER OF TRANSFER.

(Title.)

Upon the application of *A.B.*, and upon reading _____ and hearing _____, and it appearing to the Court that [*state here special reason or reasons why order is made*], that the proceedings in the above matter should be transferred from _____ to _____ [or as the case may be].

It is hereby ordered that the said proceedings in the above-named matter be transferred from the _____ Court to the _____ Court.

Dated this _____

day of _____

18 .

By the Court,

Registrar.

No. 2.

NOTICE OF TRANSFER TO THE BOARD OF TRADE AND OFFICIAL RECEIVER.

(Title.)

The proceedings in the above matter have been this day transferred to this Court from the [High Court] or [the County Court of _____] holden at _____, and have had the above distinctive number allotted to them. The distinctive number before transfer was No. _____ of 18 .

The proceedings have been consolidated with those in the following _____ matter, viz.:— _____, and will be treated under the same distinctive number, viz., No. _____ of 18 .

Dated this _____

day of _____

18 .

Add this in cases where a consolidation of proceedings has been directed.

Registrar.

No. 3.

(Instead of Form 4.)

DEBTOR'S PETITION.

(Title.)

(a) Insert name, address, and description of debtor.

(b) Insert the other address or addresses at which unsatisfied debts or liabilities may have been incurred.

I (a)
at (b)lately residing (or carrying on business)
having for the greater part of the past six months &c.
[Continue as in Form No. 4.]

No. 4.

(Instead of Form 10.)

CREDITOR'S PETITION.

(Title.)

(a) Insert name, present address, and description of debtor.

(b) Insert address at which the debtor was residing or carrying on business when the petitioning creditor's debt was incurred.

I, C.D., of
that a receiving order may be made in respect of the estate of (a),
lately carrying on business at [or residing
at] (b)

[Continue as in Form No. 10.]

No. 5.

(Instead of Form 28.)

RECEIVING ORDER ON DEBTOR'S PETITION.

(Title.)

On the petition of the debtor himself, filed the day of 18 , the Official Receiver [or Mr. A.B., an Official Receiver] of this Court is hereby constituted receiver of the estate of [insert name, addresses, and descriptions of debtor set out in petition].

Dated this day of

By the Court,

Registrar.

NOTE.—The above-named debtor is required immediately after the service of this order upon him to attend the Official Receiver of the Court at his offices at (a)

(a) Insert the place at which the debtor is to attend on the Official Receiver.
The Official Receiver's Offices are open (except on holidays) every week-day from 10 a.m. to 4 p.m., except days when they close at p.m.

Indorsement on Order.

The name and address of the solicitor (if any) to the debtor are [insert name and address].

No. 6.

(Instead of Form 29.)

RECEIVING ORDER ON CREDITOR'S PETITION.

(Title.)

On the petition (dated the day of 18 , and numbered of 18) of J.S., of a creditor filed the [insert date] and on reading and hearing and it appearing to the Court that the following act or acts of bankruptcy has or have been committed, viz.:

[Set out the nature and date or dates of the act or acts of bankruptcy on which the Order is made.]

the Official Receiver [or Mr. A.B., an Official Receiver] of this Court is hereby constituted receiver of the estate of [insert name, addresses, and descriptions of debtor as set out in petition].

Dated this day of 18 .

By the Court,

Registrar.

NOTE.—The above-named debtor is required, immediately after the service of this order upon him, to attend the Official Receiver of the Court at his offices at (a).

The Official Receiver's offices are open every week-day from 10 a.m. to 4 p.m., except days, when they close at p.m.

Indorsement on Order.

The name and address of the solicitor to the petitioning creditor are [insert name and address].

(a) Insert the place at which the debtor is to attend on the Official Receiver.

No. 7.

APPLICATION BY THE OFFICIAL RECEIVER FOR AN ORDER APPOINTING A SITTING FOR THE PUBLIC EXAMINATION OF THE DEBTOR.

(Title.)

The Official Receiver in the above matter reports to the Court that the receiving order was made on the day of .

Application is made to the Court for an order appointing a time and place for holding the public examination of the debtor, and that the debtor do attend such public examination.

Dated this day of 18 .

Official Receiver.

No. 8.

ORDER APPOINTING A TIME FOR THE PUBLIC EXAMINATION OF THE DEBTOR.

(Title.)

Upon the application of the Official Receiver in the above matter, it is ordered that the public examination of the above-named debtor be held at (a) on the day of at o'clock in the

And it is ordered that the above-named debtor do attend at the place and time above mentioned. (a) Insert the place for the examination.

Dated this day of 18 .

By the Court,

Registrar.

NOTE.—Notice is hereby given that if you, the above-named debtor, fail, without reasonable excuse, to attend at the time and place aforesaid, you will be liable to be committed to prison without further notice.

No. 9.

(Instead of Form 30.)

NOTICE OF RECEIVING ORDER, &c. (LOCAL PAPER.)

In Bankruptcy. Notice is hereby given that on a petition filed the [insert date] a receiving order against A.B. of [here insert name, address, and description of debtor] was made by the High Court of Justice [or the County Court of, holden at

] on the day of 18 .

Dated this day of 18 .

G.H., Official Receiver.

No. 10.

In Form No. 36 the first paragraph of such Form may be omitted; and in the second paragraph of such Form instead of the words "were read over to me" there shall be used the words "were read over by or to me."

No. 11.

(Instead of front sheet of Form 35.)

STATEMENT OF AFFAIRS.

(Title.)

N.B.—You are required to fill up, carefully and accurately, this sheet, and the several sheets A, B, C, D, E, F, G, H, J, and K, shewing the state of your affairs on the day on which the Receiving Order was made against you, viz, the day of . Such sheets, when filled up, will constitute your statement of affairs.

When completed such statement must be verified by oath or declaration.

Gross Liabilities			Liabilities (as stated and estimated by Debtor)			Expected to Rank			Assets (as stated and estimated by Debtor)			Estimated to produce		
£	s.	d.				£	s.	d.				£	s.	d.
			Unsecured creditors as per list (A.) .						Cash at bankers	£	s.	d.		
			Creditors fully secured, as per list (B.) .			£	s.	d.	Cash in hand					
			Estimated value of securities							Estimated cost				
			Surplus to contra . . £						Property as per list (G.), viz. :-	£	s.	d.		
			Creditors partly secured, as per list (C.) .			£	s.	d.	(a.) Stock in trade					
			Less estimated value of securities						(b.) Machinery, trade fixtures, fittings, utensils, &c.					
			Other liabilities as per list (D.) £						(c.) Farming stock, growing crops, and tenant right					
			Of which it is expected will rank against the estate for dividend .						(d.) Furniture					
			Liabilities on bills other than debtors' own acceptances, as per list (F.) £						(e.) Other property, viz. :-					
			Of which it is expected will rank against the estate for dividend .											
			Preferential creditors for rates, taxes, wages, &c., as per list (E.)			£	s.	d.	Book debts as per list (H.), viz. :					
			Preferential creditors for rent payable under s. 42 of the Act, as per list (E.)						Good	£	s.	d.		
			Preferential claim for sheriff's charges under s. 46. Estimated at						Doubtful					
			£						Bad					
			Deducted contra . . £							Estimated to produce				
			£						Bills of exchange or other similar securities, as per list (J.) £					
									Estimated to produce					
									Surplus from securities in the hands of creditors fully secured (per contra)					
										£				
									Deduct preferential creditors for rent, rates, taxes, wages, &c. (per contra)					
										£				
									Deficiency explained in statement (K.)					
										£				

I (name) of (address) make oath and say that the above statement and the several lists hereunto annexed are to the best of my knowledge and belief a full, true, and complete statement of my affairs on the date of the above-mentioned Receiving Order made against me.

Sworn at _____
this _____ day of _____ 18 , _____
before me _____ } (Signature) _____

NOTE.—In the fifth column of list A for the words "date when contracted" the words "month and year when contracted" shall be substituted.

(Instead of the "List 'G' Property," the following shall be substituted.)

G.

PROPERTY.

Full particulars of every description of property in possession and in reversion as defined by section 168 of the Bankruptcy Act, 1883, not included in any other list, are to be set forth in this list :—

Full Statement and Nature of Property	Estimated Cost			Estimated to produce		
	£	s.	d.	£	s.	d.
(a.) Stock in trade at						
(b.) Machinery, trade fixtures, fittings, utensils, &c., at						
(c.) Farming stock, growing crops, and tenant right, at						
(d.) Household furniture and effects, at						
(e.) Other property (state particulars), viz. :—						

Signature _____

NOTE.—Form H shall be amended by adding between the third and fourth columns a column headed "Folio of ledger or other book (if any) in which account is to be found."

No. 12.

(To be added to Form 38, and used where an adjudication is applied for in consequence of resolution of creditors.)

ORDER OF ADJUDICATION.

Whereas pursuant to a petition dated _____ against A.B., a receiving order was made on the [date]. And whereas it appears to the Court that at the first meeting of creditors held on the [date], (or at an adjournment of the first meeting of creditors held on the [date]) at _____, it was duly resolved that the debtor be adjudged bankrupt. Upon the application of _____ it is ordered that the debtor be and the said debtor is hereby adjudged bankrupt.

Dated this _____ day of _____ 18 .

By the Court,

Registrar.

No. 13.

ORDER ON APPLICATION TO APPROVE COMPOSITION.

(Title.)

On the application of _____, and on reading the report of the Official Receiver filed on the _____ day of _____, and hearing the Official Receiver and _____, and the Court being satisfied that the creditors in the above matter have duly accepted and approved a composition [or scheme] in the following terms, namely [here insert terms if short; if not, insert "in the terms contained in the paper writing marked A annexed hereto"], and being satisfied that the said terms are reasonable and calculated to benefit the general body of creditors, and being satisfied that the case is one on which the Court would not be required, if the debtor were adjudged bankrupt, to refuse an order of discharge, the said composition [or scheme] is hereby approved, and it is ordered that the receiving order made against the said [debtor] on the _____ day of _____ 188 , be, and the same is hereby rescinded.

or after*

This part of the Form to be adapted to each particular case.

would under the discharge], the Court doth refuse to approve the said composition [or scheme].

Dated this day of 18 .

and being satisfied that the said terms are not reasonable or calculated to benefit the general body of creditors, and being satisfied that the case is one in which the Court would be required, if the debtor were adjudged bankrupt, to refuse his discharge [or that facts have been proved that Act justify the Court in refusing, qualifying, or suspending the debtor's

By the Court, Registrar.

*Where the debt claimed exceeds 2*l*. a shilling bankruptcy stamp must be affixed here before sending proof to the Official Receiver. If not procurable a postal order or P.O.O. for that sum may be sent him and he will provide the required stamp.

(a) Here insert the number of matter, and the name of debtor, as given on the notice of meeting.

(b) Fill in full name, address, and occupation of deponent. If proof made by creditor strikeout clauses (c) and (d). If made by clerk strike out (d). If by agent of company strike out (c). (e) me and to C.D. and E.F. my copartners in trade, or, if by clerk, insert name, address, and description of principal.

You should attend carefully to these directions.

£ : :

NOTE THIS (f) State consideration [as— Goods sold and delivered by me [and my said partner] to him [or them] at his [or their] request between the dates of, or as the case may be].

NOTE ALSO Annex or indorse or insert a statement of account, which, if annexed or indorsed, must be duly exhibited, and describe generally any vouch-

No. 14.
(Instead of Forms 52 and 53.)
AFFIDAVIT FOR PROOF OF DEBT.
(Title.)
No. (a) of 188 .
Re (a)
I (b) of in the county of , make oath and say :—
(c) That I am in the employ of the under-mentioned creditor , and tha I am duly authorised by to make this affidavit, and that it is within my own knowledge that the debt hereinafter deponed to was incurred, and for the consideration stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.
(d) That I am duly authorised, under the seal of the company herein- after named, to make the proof of debt on its behalf.
1. That the said was, at the date of the receiving order, viz., the day of 188 and still justly and truly indebted to (e) in the sum of pounds shillings and pence for (f

as shown by the account hereunto annexed (or indorsed hereon), marked with the letter A, or by the following account, viz. :—

for which sum or any part thereof I say that I have not nor hath (g) or any person by (h) order to my knowledge or belief for (h) use had or received any manner of satisfaction or security whatsoever, save and except the following (i)

Admitted to vote for £ : : the day of 188 . Official Receiver or Trustee.	Date	Drawer	Acceptor	Amount	Due date

Admitted to rank for dividend for
£ : :
this day
of 188 .
Official Receiver
or Trustee.

Sworn at in the county of } Deponent's
this day of 188 , signature.
Before me }

No. 16.

(Instead of Form 54, to embody the alterations of R. 183 (4).)

GENERAL PROXY.

(Title.)

I, *C.D.*, of _____, a creditor, hereby appoint the Official Receiver in the above matter [or *Mr. A.B.*, of _____, a clerk in my regular employ] to be my general proxy in the above matter [excepting as to the receipt of dividend].

Dated this _____ day of _____ 18 .

(Signed)

C.D.

Signature of Witness.

Address.

Notes.

(1.) When the creditor desires that his general proxy should receive dividends he should strike out the words "excepting as to the receipt of dividends," putting his initials thereto. The creditor must fill up the blanks in his own handwriting.

(2.) The authorised agent of a corporation may fill up blanks, and sign for the corporation, thus :—

For the _____ company.

J.S. (duly authorised under the seal of the company).

(3.) A proxy given by a firm, or person carrying on business, may be filled up and signed by any person having a general authority in writing (procuration) to sign for such firm or person. Such person shall sign.

J.S. [duly authorised by a general authority in writing (procuration) to sign on behalf of (name of firm or person)].

Certificate to be signed by witness of creditor blind or incapable of filling up the above proxy.

I, _____, of _____, hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named _____, and in his presence before he attached his signature [or mark] thereto.

No. 17.

(Instead of Form 55.)

SPECIAL PROXY.

(Title.)

I, *C.D.*, _____, a creditor, hereby appoint the Official Receiver in the above matter [or *Mr. A.B.*, of _____] as my proxy at the meeting of creditors to be held on the _____ day of _____ or at any adjournment thereof, to vote (a) _____ [here specify the particular resolution or name of proposed trustee].

(a) Insert here the word "for" or the word "against" as the case may require.

Dated this _____ day of _____ 18

(Signed)

C.D.

Signature of Witness.

Address.

Notes.

1. The creditor must fill up blanks in his own handwriting.

2. The authorised agent of a corporation may fill up blanks and sign for the corporation, thus :—

For the _____ company.

J.S. (duly authorised under the seal of the company).

3. A proxy given by a firm, or person carrying on business, may be filled up and signed

by any person having a general authority in writing (procuration) to sign for such firm or person. Such person shall sign:—

J.S. [duly authorised by a general authority in writing (procuration) to sign on behalf of (*name of firm or person*)].

Certificate to be signed by witness of creditor blind or incapable of filling up the above proxy.

I, _____, of _____, hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named _____, and in his presence before he attached his signature [or mark] thereto.

No. 18.

(*Supplemental Form 57, for use in summary cases.*)

NOTICE TO CREDITORS OF FIRST MEETING WHERE DEBTOR HAS NOT SUBMITTED AN OFFER OF COMPOSITION.

(*Title.*)

SUMMARY CASE.

[Under Receiving Order dated the _____ day of _____ 18 ____.]

Notice is hereby given that the first meeting of the creditors in the above matter will be held at _____ on the _____ day of _____ 18 ____ at _____ o'clock in the _____ noon, for the purpose of receiving a report by the Official Receiver upon the position of the estate.

The debtor has been adjudged bankrupt, and an order for summary administration has been made by the Court. Under section 121 of the Bankruptcy Act, the Official Receiver is the trustee in the bankruptcy, but the creditors can by special resolution appoint a trustee.

To entitle you to vote thereat your proof must be lodged with me not later than _____ o'clock on the _____ day of _____ 18 ____.

Forms of proof and general proxy are enclosed herewith. A form of special proxy can be obtained from me on application by you or by your agent, authorised by you in writing. Proxies to be used at the meeting must be lodged with me not later than _____ o'clock on the _____ day of _____ 18 ____.

The public examination of the debtor is fixed for the _____ day of _____ 18 ____, at _____ o'clock in the _____ noon at _____.

Any creditor who has tendered a proof, or his representative, authorised in writing, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this _____ day of _____ 18 ____.

Official Receiver.
Address. _____

(The debtor's statement of affairs (*a*)) _____

[(*a*) Here insert "has not been lodged" or "has been lodged, and summary is enclosed."]

No. 19.

(FORM OF NOTICE OF MEETING IN SUMMARY CASE WHERE DEBTOR SUBMITS AN OFFER OF COMPOSITION, &c.)

(*Title.*)

SUMMARY CASE.

[Under Receiving Order, dated _____.]

Notice is hereby given that a general meeting of the creditors of the above-named debtor is hereby summoned to be held at _____ on the _____ day of _____ at _____ o'clock in the _____ noon precisely.

An order for summary administration has been made by the Court under section 121 of the above-named Act.

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number, and three-fourths in value, of those who have proved their debts, accept the proposal

made by the debtor for a composition [or scheme], the terms of which are set forth in the accompanying report, or any amendment of such proposal calculated to benefit the general body of creditors.

Proofs of debts intended to be used at the meeting must be lodged with the Official Receiver not later than o'clock on the day of 18 .

Proxies and voting letters to be used at the meeting must be lodged not later than o'clock on the day of 18 .

Creditors who prove their debts, and whose proofs are admitted, and who do not vote on the debtor's proposal, will be reckoned as voting *against* it.

A sitting of the Court for the public examination of the debtor will be held at on the day of 18 , at o'clock in the noon.

Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this day of 18 .

Official Receiver.
Address.

Notes.

1. Creditors who have proved may vote for or against the acceptance of the debtor's proposal by means of the voting letter attached to the Official Receiver's report.

2. If the proposal be not accepted the meeting may, if the debtor has not already been adjudged bankrupt, resolve on his adjudication, when the Official Receiver will become the trustee unless the creditors by special resolution appoint a trustee.

3. Forms of proof and general proxy and a summary of the statement of affairs are sent herewith.

4. A form of special proxy can be obtained from the Official Receiver by any creditor or by his agent authorised in writing.

No. 20.

(FORM OF REPORT ON PROPOSAL AND VOTING LETTER.)

(Title.)

SUMMARY CASE.

The Official Receiver of the above estate hereby reports:—

That the debtor has lodged with him a proposal for a composition [or scheme] to be submitted to the creditors, of which the following is a copy:—

[Here set out fully the terms of proposal.]

That the liabilities, as shown by the debtor's statement of affairs, amount to the sum of £., and the assets are estimated by the debtor at the sum of £. after payment of preferential debts.

That the value of the assets is [fairly estimated by the debtor] [or, as the case may be.]

That the terms of the debtor's proposal [set out report as to proposal].

Dated this day of 18 .

Official Receiver.
Address.

VOTING LETTER.

Re No. of 18 .

I, of , a creditor in the above matter for the sum of £., hereby request the Official Receiver of the said estate to record my vote for the acceptance of the above proposal, or any amendment thereof which shall in the opinion of the Official Receiver be calculated to benefit the general body of the creditors [or against the above proposal].

Dated this day of 18 .

Signature

Witness.

No. 21.

(Instead of Form 79.)

STATEMENT TO ACCOMPANY NOTICE OF DIVIDEND.

(Title.)

Statement shewing position of estate at date of declaring dividend.

Dr.

Re

[No.

of 18 .]

Cr.

			£	s.	d.				£	s.	d.
To total receipts from date of receiving order						By Board of Trade and Court fees (including stamp of £5 on petition)					
	£	s.	d.				£	s.	d.		
Less :						Law costs of petition					
Deposit returned to petitioner						Other law costs					
Payments to redeem securities						Trustee's remuneration, as fixed by the (a) viz. :—					
Costs of execution							£	s.	d.		
Outlay in carrying on business						per cent. on £ assets realised					
						per cent. on £ assets distributed in dividend					
			£			Special manager's charges					
Net realisations			£			Auctioneer's charges as taxed					
						Other taxed costs					
						Costs of possession					
						Costs of notices in Gazette and local papers					
						Incidental outlay					
						Total cost of realisation			£		
						Allowance to debtor					
							£	s.	d.		
						Creditors, viz. :—					
						Preferential					
						Unsecured (b) dividend now declared of £					
						Dividends previously declared					
						Balance			£		
			£								

(a) Creditors or committee of inspection or Board of Trade, as the case may be.

(b) 1st, or as the case may be.

By s. 72 (2) of the Act, it is provided that "if one fourth in number or value of creditors dissent from the resolution, or the bankrupt satisfies the Board of Trade that the remuneration is unnecessarily large, the Board of Trade shall fix the amount of the remuneration."

Assets not yet realised estimated to produce £

(Add here any special remarks Trustee thinks desirable.)

Creditors can obtain any further information by enquiry at the office of the Trustee

Dated this day of 18 .

(Signature of Trustee)

(Address)

NOTE.—When this statement accompanies a declaration of a second or subsequent dividend, it shall incorporate the figures of the preceding statement or statements under their respective headings.

No. 22.

(Instead of Form 93.)

In Form 93, instead of the word "thereof" there shall be substituted the word "hereof."

No. 28.

(Instead of Form 127 (1).)

Bankruptcy Notices for "London Gazette."

RECEIVING ORDERS.

Debtor's Name	Address	Description	Court	Number of Matter	Date of Order	Date of Petition

(Instead of No. 127 (2).)

FIRST MEETINGS AND PUBLIC EXAMINATIONS.

Debtor's Name	Address	Description	Court	Number	Date of Meeting	Hour	Place	Date of Public Examination.	Hour	Place	Date of Order, if any, for Summary Administration

NOTICE OF DAY APPOINTED FOR PROCEEDING WITH PUBLIC EXAMINATIONS ADJOURNED SINE DIE.

Debtor's Name	Address	Description	Court	Number of Matter	Date fixed for proceeding with Examination	Hour	Place

Notice of Dividend.

The particulars of the address and description of the debtor must in each case correspond with those published in the "London Gazette" in the notice of the Receiving Order, F. 127 (1.).

Debtor's Name		Address	Description	Court	Number.	Amount per £	Whether first and final or otherwise	When Payable	Where Payable
Sur-name	Christian Name								

NOTICE OF RELEASES OF TRUSTEES.

Debtor's Name	Debtor's Address	Debtor's Description	Court	No. of Matter	Trustee's Name	Trustee's Address	Trustee's Description	Date of Release

ADMINISTRATION ORDERS IN THE CASE OF DECEASED DEBTORS.

Name of Deceased	Address	Description	Date of Death	Court	No. of Matter	Date of Order	Date of Petition or Application	Whether Will or other Testamentary Disposition (with Date thereof), or Letters of Administration	Date when Proved or granted	Names, Addresses, and Descriptions of Grantees

NOTICES RE-GAZETTED.

Debtor's Name	Address	Description	Court	Number of Matter	Date of Original Order or Notice	Date of Amending Order or Notice	Nature of Order or Notice.	Cause for Re-gazetting

NOTICES to Debtors in lieu of personal Service of Bankruptcy Notices and Petitions, and of Applications to commit for Contempt of Court (for "London Gazette")

Debtor's Name	Debtor's Address	Debtor's Description	Court	Number	Nature of Notice of which substituted Service directed	Date thereof	If a Petition or Application to commit, date of hearing	Name and Description of Person giving Bankruptcy Notice, or by whom petition is presented, or by whom application to commit is being made

NOTICES, in lieu of personal Service, of Applications to commit Persons, other than Debtors, for Contempt of Court (for "London Gazette").

Name of Person against whom Application made	Address	Description	In what Matter Application made					Date on which Application will be heard
			Name of Debtor	Address	Description	Court	Number	

No. 24.

TICE OF DAY FIXED FOR HEARING APPLICATION BY BANKRUPT FOR HIS DISCHARGE.

(Title.)

The bankrupt having applied to the Court for his discharge, the Court has fixed the day of 188 , at o'clock in the noon at for hearing the application.
Dated the day of 188 .

Registrar.

To the Official Receiver, and Mr. trustee of the estate of the bankrupt.

No. 25.

ORDER OF DISCHARGE WITH CONDITIONS UNDER SECTION 28, SUB-SECTION 6.
(Insert proper title and heading, &c., applicable to the High Court or to a County Court, as the case may be.)

On the application of A.B., adjudged bankrupt on the day of 188 , and upon reading and hearing :

It is ordered that the said Bankrupt be discharged, subject to the following condition, namely :—He shall consent to judgment being entered against him in the Queen's Bench Division of Her Majesty's High Court of Justice (or as the case may be) by the Official Receiver (or trustee) for the sum of £ , being the balance of the debts provable under the bankruptcy which is not satisfied at the date of this order. And it is further ordered that upon such consent being given judgment may be entered in the Queen's Bench Division of the High Court of Justice (or as the case may be) for the said sum of £ , together with 1*l*. 10*s*., for the costs of judgment.

No. 26.

CONSENT OF BANKRUPT TO JUDGMENT BEING ENTERED UNDER SECTION 28, SUB-SECTION 6.
Re

I, A.B., of , the above-named bankrupt, do hereby consent to judgment being entered against me in the Queen's Bench Division of Her Majesty's High Court of Justice (or as the case may be) by the Official Receiver (or trustee) for the sum of £ , being the balance of the debts provable under my bankruptcy which is not satisfied at the date of my discharge; but this consent is subject to the provision contained in sub-section 6 of section 28 of the Bankruptcy Act, 1883, in regard to the issue of execution on such judgment.

No. 27.

FORM OF JUDOMENT TO BE ENTERED PURSUANT TO THE CONSENT.

In the High Court of Justices, Queen's Bench Division.

Between and 18 No.
Plaintiff,
A.B., Defendant.

And in the matter of the bankruptcy of the said A.B.

The day of 188 .

Pursuant to the order of the High Court of Justice in Bankruptcy [or the County Court of holden at] dated the day of . whereby it was ordered that

Recite Substance of Order
|

And the consent mentioned in the said order having been given and filed in the matter of the said bankruptcy,

It is this day adjudged that the plaintiff recover against the said defendant £ , together with 80s. for costs of judgment.

G.F.,

Solicitor for Plaintiff.

No. 28.

NOTICE OF TRANSFER OF SEPARATE ESTATE TO JOINT ESTATE.

In Bankruptcy.

(Title.)

Notice is hereby given that there being in the hands of the trustee in the above bankruptcy a surplus estimated at £ arising from the separate estate of [name of separate partner] one of the bankrupts, and there being no separate creditors of such bankrupt, it is the intention of such trustee, at the expiration of days from the appearance of this notice in the *Gazette*, to transfer such surplus to the credit of the joint estate in the said bankruptcy.

(Signed)

Trustee.

No. 29.

Affidavit by Special Manager.

I, of , make oath and say as follows:—

1. The account hereunto annexed marked with the letter A, produced and shewn to me at the time of swearing this my affidavit, and purporting to be my account as Special Manager of the estate or business of the above-named debtor, contains a true account of all and every sums and sum of money received by me or by any other person or persons by my order or to my knowledge or belief for my use on account or in respect of the said estate or business.

2. The several sums of money mentioned in the said account hereby verified to have been paid or allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3. The said account is just and true in all and every the items and particulars therein contained according to the best of my knowledge and belief.

Sworn, &c.

Schedule.

Name of Creditor	Address	Description	Amount of Debt

NOTE.—The judgment debt must be inserted as well as all other debts.

NOTE.—If any of the above creditors, in addition to the judgment creditor, have sued you in any Court, you must produce the summons or order in each case.

No. 30.

REPORT OF REGISTRAR WHERE WITNESS REFUSES TO ANSWER.

(Title.)

At the [public] examination of [the above-named debtor] held before me this day of 188 , the following question was allowed by me to be put to the said [].

Q. Where, &c.

The [debtor] refused to answer the said question.

(or) The [debtor] answered the said question as follows:—

A. [Answer.]

I thereupon named this day of 188 , at as the time and place for such [refusal to] answer to be reported to His Honour Judge

Registrar.

No. 31.

NOTICE OF DAY FOR PROCEEDING WITH PUBLIC EXAMINATION (FOR LOCAL PAPER.)

(Title.)

Notice is hereby given that the above-named Court has appointed _____ day, the _____ day of _____ 18____, at _____ o'clock, in the _____ noon, for proceeding with the public examination of the above-named debtor, which, on the _____ day of _____ 18____, was adjourned *sine die*.

Dated this _____ day of _____ 18____.

(Signed) _____

Official Receiver.

No. 32.

(Amendment of Form 45.)

ORDER OF DISCHARGE.

On the application of A.B., of &c., adjudged bankrupt on the _____ day of _____ 188____, and having taken into consideration the report of the Official Receiver as to the bankrupt's conduct and affairs [and hearing the Official Receiver, and C.D., E.F., &c., creditors, and G.H., the trustee, *as the case may be*.]

And whereas it has not been proved that the bankrupt has committed any misdemeanor under the Bankruptcy Act, 1883, or Part II. of the Debtors Act, 1869, and proof has not been made of any of the "facts" mentioned in sub-section 3 of section 28, or in section 29 of the Bankruptcy Act, 1883, or that the bankrupt has been guilty of any misconduct in relation to his property and affairs. It is ordered that he be and he hereby is discharged.

or,

And whereas the bankrupt has committed the following misdemeanor (or misdemeanors) under the Bankruptcy Act, 1883 (^{or} _{and} under Part II. of the Debtor's Act, 1869), viz. (*here state particulars*.)

It is ordered that his discharge be and it is hereby refused.

or,

And whereas it has not been proved that the bankrupt has committed any misdemeanor under the Bankruptcy Act, 1883, or Part II. of the Debtors Act, 1869; but proof has been made of the following facts under sub-section 3 of section 28 (^{or} _{and} section 29) of the Bankruptcy Act, 1883, viz. [*here state particulars*] [^{or} _{and} that he has been guilty of misconduct in relation to his property and affairs], viz. (*here state particulars*.)

It is ordered that his discharge be and it is hereby refused.

or,

It is ordered that he be discharged subject to the following conditions, viz. (*here state conditions*.)

or,

It is ordered that his discharge be suspended for (*insert period*), and that he be discharged as from the _____ day of _____ 188____, being (*insert period*) from the date of this order.

Dated, &c.

By the Court.

Registrar.

NOTE.—Form 127 (10) shall be amended by adding a column headed "grounds named in order for refusing an absolute order of discharge."

No. 33.

LOCAL ADVERTISEMENT IN SUMMARY CASES.

In Bankruptcy.—Re A.B., of [*insert here, as concisely as possible, name, address, and description of debtor, and add name of town in which Court held, and No. of proceeding, e.g., "Birmingham, No. 1, of 1886."*]

Receiving order made	.	.	.	.
Date of order for summary administration	.	.	.	.
Date and place of first meeting	.	.	.	.
Date of public examination	.	.	.	.

SUPREME COURT OF JUDICATURE.

BANKRUPTCY ACT 1883.

ORDER AS TO FEES AND PER-CENTAGES.

I, the Right Honourable Hardinge Stanley Baron Halsbury, Lord High Chancellor of Great Britain, Do, by virtue of the powers vested in me by the Bankruptcy Act, 1883, prescribe that the fees and per-centages in the scale hereto annexed shall, from and after the 24th day of October, 1886, be the fees and per-centages to be charged for or in respect of proceedings under the said Act, and shall be taken in any Court having jurisdiction in Bankruptcy and in any office connected with any such Court, and in the Board of Trade and any office connected therewith, and by any officer paid wholly or partly out of public money attached to any such Court or to the Board of Trade.

(Signed) HALSBURY, C.

Dated the 25th day of October, 1886.

SCALE OF FEES AND PER-CENTAGES.

TABLE A.

	£	s.	d.
Every declaration by a debtor of inability to pay his debts . . .	0	5	0
Every bankruptcy notice . . .	0	5	0
Every bankruptcy petition . . .	5	0	0
Every bond with sureties . . .	0	10	0
Every affidavit filed (or report of an Official Receiver in lieu of an affidavit), other than proof of debts . . .	0	2	0
Every subpoena or summons under section 27 . . .	0	1	0
For taking an affidavit or an affirmation, or attestation, upon honour in lieu of an affidavit or a declaration, except for proof of debts, for each person making the same . . .	0	1	6

VOL. 55.—ORDERS AND RULES.

	£	s.	d.
And in addition thereto for each exhibit therein referred to and required to be marked . . .	0	1	0
On every proof of debt above 2 <i>l.</i> . . .	0	1	0
Every petition under section 125 and every order of administration under section 125 (4) of the Act . . .	5	0	0
Every special proxy or voting paper . . .	0	0	1
Every receiving order under section 103 of the Act . . .	5	0	0
Every application for an order of discharge, including expense of Gazetting . . .	1	10	0
And for each creditor to be notified . . .	0	1	0
Every application to the Court under sections 18 and 23 to approve a scheme, a fee computed at the following rates on the gross amount of the estimated assets (but not exceeding the gross amount of the unsecured liabilities), namely, 1 <i>l.</i> on the first 100 <i>l.</i> or fraction of 100 <i>l.</i> , and 5 <i>s.</i> on each 25 <i>l.</i> or fraction of 25 <i>l.</i> above 100 <i>l.</i> up to 5,000 <i>l.</i> , and 2 <i>s.</i> 6 <i>d.</i> on each 25 <i>l.</i> or fraction of 25 <i>l.</i> above that amount . . .	—		
Every application to the Court under sections 18 and 23 to approve a composition, a fee computed at the following rates on the gross amount of the composition, namely, 1 <i>l.</i> on the first 100 <i>l.</i> or fraction of 100 <i>l.</i> , and 5 <i>s.</i> on each 25 <i>l.</i> or fraction of 25 <i>l.</i> above 100 <i>l.</i> up to 5,000 <i>l.</i> , and 2 <i>s.</i> 6 <i>d.</i> on each 25 <i>l.</i> or fraction of 25 <i>l.</i> above that amount . . .	—		
[NOTE.—Where a scheme or composition has not been ap-			

	£	s.	d.
proved by the Court, and a subsequent application is made to the Court to approve of another scheme or composition, one or other of the above fees (as the case may require) shall be charged, less seven eighths of the fee paid on the first application, and also of any net fee already paid under Table C.]			
Every application for search other than by petitioner, trustee, bankrupt, or officer of the Court	0	1	0
Every application to the Court, except by the Official Receiver	0	5	0
Every office copy, each folio of 72 words	0	0	4
On every record of trial or such less sum as the Court may specially order.	5	0	0
Every allocatur by any officer of the Court for any costs, charges, or disbursements,			
Where the amount allowed shall not exceed 4 <i>l.</i>	0	2	0
Where the amount exceeds 4 <i>l.</i> for every 2 <i>l.</i> allowed or a fraction thereof	0	1	0
Every application to an Official Receiver to appoint a special manager or to carry on the business of a debtor	0	5	0
Every application by a committee of inspection to the Board of Trade for a local banking account	1	0	0
Every order of the Board of Trade for a local banking account	2	0	0
Every application by a trustee to an Official Receiver acting as committee of inspection under Rule 250 :—			
Where the assets are certified by the Official Receiver as not likely to realise more than 500 <i>l.</i>	0	5	0
Where the assets are likely to exceed 500 <i>l.</i>	0	10	0
Every application under section 162 to the Board of Trade for payment of money out of the bankruptcy estates account; and every application for the re-issue of a lapsed cheque or money order in respect of moneys standing to the credit of the bankruptcy estates account	0	2	6
On one copy of the cash book, shewing assets realised, forwarded by the Official Receiver or trustee to the Board of Trade, a fee according to the following scale on the gross			

amount of the assets realised and brought to credit, namely: 1*l.* on the first 100*l.* or fraction of 100*l.*, and 5*s.* on each 25*l.* or fraction of 25*l.* above 100*l.* up to 5,000*l.*, and 2*s.* 6*d.* on each 25*l.* or fraction of 25*l.* above that amount. Provided that, where a fee has been taken on an application under sections 18 or 23, seven eighths of the amount thereof shall be deducted from this fee.

TABLE B.

On the net assets realised or brought to credit by the Official Receiver, whether acting as interim receiver, receiver, or trustee, after deducting any sums paid to secured creditors in respect of their securities and not being assets realised by a special manager or moneys received and spent in carrying on the business of the debtor, and on the net assets realised by an Official Receiver when acting as trustee to administer a debtor's property under a composition or scheme, after deducting any sums paid to secured creditors in respect of their securities, and not being moneys received and spent in carrying on the business of a debtor, a per-centage according to the following scale :—

On the first 1,000 <i>l.</i> or fraction thereof	5 <i>l.</i> %
" next 1,500 <i>l.</i>	4 <i>l.</i> "
" " 2,500 <i>l.</i>	3 <i>l.</i> "
" " 5,000 <i>l.</i>	2 <i>l.</i> "
Above " 10,000 <i>l.</i>	1 <i>l.</i> "

On the amount distributed in dividend by the Official Receiver, when acting as trustee under adjudications, schemes, or compositions, a per-centage according to the following scale :—

On the first 1,000 <i>l.</i> or fraction thereof	2½ <i>l.</i> %
" next 1,500 <i>l.</i>	2 <i>l.</i> "
" " 2,500 <i>l.</i>	1½ <i>l.</i> "
" " 5,000 <i>l.</i>	1 <i>l.</i> "
Above " 10,000 <i>l.</i>	½ <i>l.</i> "

£ s. d.

For the Official Receiver acting as interim receiver of the property of a debtor under section 10 in addition to the per-centage chargeable on realisations, on every order 3 0 0

And, in addition, where the order is in force for a longer period than fourteen days, for every seven days, after the first fourteen, and for every fraction of seven days 1 0 0

For each notice by an Official Receiver to a creditor of a first or any other meeting, or sitting of the Court 0 1 0

	£ s. d.		£ s. d.
For each notice by an Official Receiver to a creditor of an adjourned meeting or an adjourned sitting of the Court	0 0 6	Serving every bankruptcy notice, bankruptcy petition, or subpoena or receiving or other order (not serviceable by post) within two miles, including affidavit of service	0 3 6
For the Official Receiver supervising a special manager, or the carrying on of a debtor's business a fee according to the following scale:—		If serviceable by post	0 1 0
If the gross assets are estimated by the Official Receiver not to exceed 500%.	1l. per week.	Executing every warrant of seizure, or search warrant, or warrant of apprehension, or order of commitment, within two miles of Court	0 10 0
If to exceed 500%. but not to exceed 5,000%.	2l. "	Keeping possession under a warrant, for each day the man is actually in possession; including affidavit of possession being actually kept	0 4 6
If to exceed 5,000%. but not to exceed 10,000%.	3l. "	(not less than 3s. 6d. of the above sum is to be paid to the man in possession, and his receipt produced.)	
If to exceed 10,000%. but not to exceed 20,000%.	4l. "	High bailiff's, or (in the London district) officer's man, travelling to place of possession, or to execute a warrant of or order of commitment, or to serve a summons or subpoena, or for any other purpose specially directed by the Court, per mile	0 0 5
If to exceed 20,000%.	5l. "	His time, per day, where distance exceeds ten miles	0 4 6
Room for meeting or adjourned meeting of creditors summoned by Official Receiver, for each creditor to whom notice has been given of such meeting, but not exceeding in summary administrations 2l. for each meeting; and in non-summary administrations not exceeding 5l. for each meeting	0 1 0	His expenses, per day	0 4 6
Travelling, keeping possession, and other reasonable expenses of Official Receiver, the amount disbursed	—	If high bailiff of a County Court or bankruptcy officer of Supreme Court directed by the Court personally to travel, per mile	0 0 7
For official stationery, printing, books, forms, and postages, each estate:—		His time, per day	0 10 0
For every ten creditors or fraction of twenty	0 10 0	His expenses, per day	0 10 0
For every ten applications to debtors to an estate, or fraction of ten	0 2 0		

On every payment under section 162 of money out of the bankruptcy estates account threepence on each pound or fraction of a pound to be charged as follows:—

Where the money consists of unclaimed dividends, on each dividend paid out;

Where the money consists of undistributed funds or balances, on the amount paid out.

TABLE C.

High bailiff for attending sittings of the Court, under each receiving order, in summary cases, per case	0 4 0
High bailiff for attending Court in non-summary cases, per case	0 6 0

TABLE D.

The fees and allowances payable on proceedings had after the 24th day of October, 1886, in respect of any matter which was pending in any Court having jurisdiction in bankruptcy on the thirty-first day of December, 1883, shall be the same as if those proceedings had been taken before such last-mentioned day, and shall be applied to the same purposes: Provided that where the Official Receiver acts as trustee under the provisions of sections 159, 160, and 161, the fees payable shall be:—

(1.) For realisations by him, the same scale as in realisations under Table B.;

(2.) For distribution:—

On amounts not exceeding 1,000l. 2 per cent.
 „ above 1,000l. 1 „

The Official Receiver shall also be allowed all proper out of pocket expenses. Where he

executes any conveyance or transacts any legal or other business at the instance of third parties, the parties interested shall be required to pay for his time occupied and for that of his clerks according to such scale as the Board of Trade may from time to time prescribe, and to pay all legal or other necessary expenses incurred by him.

TABLE E.

For every order of administration under section 122, two shillings in the pound on the total amount of the debts scheduled from time to time, excluding any fraction of a pound in such total.

We, the undersigned, Lords Commissioners of Her Majesty's Treasury, do hereby sanction the foregoing scales of fees and per-centages, and do direct that the fees to be taken by stamps shall be those mentioned in Table A.,

and that the fees mentioned in Tables B., C., D., and E. shall be taken in money, except that such of the fees and allowances referred to in Table D. as have hitherto been taken by stamps shall continue to be taken by stamps: the stamps to be used shall be Bankruptcy fee stamps, with the exception of the penny stamp on every special proxy or voting paper, which may be a Postage and Inland Revenue Stamp.

And we further direct that wherever practicable the stamp shall be affixed or the money paid in respect of every fee mentioned in Tables A., B., C., and D., before the proceeding is had in respect of which the fee is payable, and that the charge to be made by the *London Gazette* for the insertion of each notice authorised by the Act or Rules shall be five shillings.

(Signed) SIDNEY HERBERT.
W. H. WALROND.

Dated the 25th day of October, 1886.

ORDER AS TO STAMPS.

ORDER as to the FEES and PER-CENTAGES which are required to be taken for BANKRUPTCY PROCEEDINGS in the HIGH COURT OF JUSTICE and COURT OF APPEAL by means of STAMPS, amending the previous Order on the same subject, published in the Supplement to the *London Gazette*.

WHEREAS by section 3 of the Public Offices Fees Act, 1879, it is provided that the Treasury may from time to time make, and when made, revoke, alter, and add to, regulations for all or any of the following purposes respecting fees in any Public Office, that is to say,—

- (1.) Regulating the manner in which the fees taken in money are to be taken, accounted for, and paid over.
- (2.) Determining the use of impressed or adhesive stamps, and the mode of cancellation of adhesive stamps.
- (3.) Regulating the use of stamps and prescribing the application thereof to documents from time to time in use, and requiring documents to be used for the purpose of such stamps.

Provided that so far as they relate to the office of any Court of law, they shall be made with the consent of the Lord Chancellor.

Now We, the undersigned, being two of the Lords of Her Majesty's Treasury, do, with the concurrence of the Lord Chancellor, hereby give notice and order and direct:—

That from and after the 25th day of October, 1886, in lieu of any regulations on the subject heretofore in force, the stamps used for denoting the fees and per-centages described in the Schedule hereto subjoined shall, so far as they are payable in regard to proceedings in the High Court of Justice and Court of Appeal, be of the character and be applied and otherwise dealt with as prescribed by such Schedule. And we do further enjoin that this Order shall be binding on all Courts, Officers, and persons whom such regulations may in any way affect.

The adhesive stamps herein referred to shall be of the description overprinted with the word "Bankruptcy," except where otherwise provided. They shall be cancelled by the various Court or other officials by perforation or in such manner as the Commissioners of Inland Revenue may from time to time direct. The impressed stamps also shall be of such character as the said Commissioners may adopt for the purpose.

The official forms with impressed or adhesive stamps (as the case may be) required in respect of any proceedings herein referred to may be obtained at the Inland Revenue Offices, Royal Courts of Justice. Persons may, however, in addition have their own forms stamped at that office or at the corresponding office at Somerset House.

The Schedule above referred to.

	Document to be stamped.	Character of Stamp to be used.	Regulations and Observations.
Every declaration by a debtor of inability to pay his debts.	Declaration . . .	Impressed.	
Every bankruptcy notice	Notice	Impressed.	
Every bankruptcy petition	Petition	Impressed.	
Every bond with sureties	Bond	Impressed.	
Every affidavit (or report) filed other than proof of debts.	Affidavit	Impressed or adhesive.	
Every subpoena or summons under section 27.	Subpœna or summons.	Impressed.	
For taking an affidavit or an affirmation, or attestation upon honour in lieu of an affidavit or a declaration, except for proof of debts; and in addition thereto for each exhibit therein referred to.	Affidavit	Impressed or adhesive.	
Every proof of debt above 2 <i>l</i>	Proof	Impressed or adhesive.	
Every petition under section 125 of the Act and every order of administration under section 125 (4).	Petition or order.	Impressed.	
Every special proxy or voting paper . . .	Proxy or voting paper.	Impressed or adhesive.	A Postage or Inland Revenue stamp may be used.
Every receiving order under section 103 of the Act.	Order	Impressed.	
Every application for an order of discharge. And for each creditor to be notified . .	Application Application	Impressed. Adhesive except where number exceeds 20.	
Every application to the Court under sections 18 and 23 to approve a scheme.	Application	Impressed.	
Every application to the Court under sections 18 and 23 to approve a composition.	Application	Impressed.	
Every application for search other than by petitioner, trustee, bankrupt, or officer of the Court.	Search	Impressed.	
Every application to the Court except by the official receiver.	Application	Impressed.	
Every office copy	Office copy	Impressed or adhesive.	
Every record of trial	Record	Impressed.	
Every allocatur by any officer of the Court for any costs, charges, or disbursements.	Allocatur	Impressed or adhesive.	

(Signed)

SIDNEY HERBERT,
W. H. WALROND,Two of the Lords of Her
Majesty's Treasury.

Dated the 25th day of October, 1883.

I concur in this Order,

(Signed)

HALSBURY, C.

PRINTED BY SPOTTISWOODE & Co.
54 Gracechurch Street ; and New-street Square.

SUPREME COURT OF JUDICATURE.

SUMMARY JURISDICTION ACTS.

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SUMMARY JURISDICTION ACT, 1879.

RULES.

1. These Rules may be cited as the Summary Jurisdiction Rules, 1886.
2. These Rules shall come into operation on the first day of January, 1887.
3. The clerk of each Court of Summary Jurisdiction shall keep the register required to be kept by him in pursuance of the Summary Jurisdiction Act, 1879, with such particulars as appear by the form in Part III. of the Schedule hereto.
4. Where in pursuance of any statute a Court of Summary Jurisdiction specially directs the appropriation of a fine, the statute under which the appropriation is made shall be set forth in the register and authenticated by the signature of the justice or one of the justices constituting the Court.
5. The return referred to in section twenty-two, sub-section (4) of the Summary Jurisdiction Act, 1879, shall contain the particulars required to be entered in the register. The justice signing any such return shall cause it to be sent to the clerk who keeps the register for his Petty Sessional Division, and that clerk shall enter the return in his register.
6. The form of account to be rendered by clerks of Courts of Summary Jurisdiction of fines, fees, and other sums received by them shall be the form given in Part III. of the Schedule hereto, or a form to the like effect approved by the local authority under the Justices' Clerks Act, 1877, and shall be rendered quarterly or at any less interval as may be directed by that authority. Provided that nothing in this rule shall apply to the Police Courts of the Metropolis, Chatham, or Sheerness.
7. All fines imposed by a Court of Summary Jurisdiction shall appear in this account in chronological order, and where payment is deferred or to be made by instalments, the fact shall be shewn in the column headed "Remarks." When the whole of the sum has been paid or recovered by distress, or the term of imprisonment imposed in default of payment or of sufficient distress has expired, the clerk shall then enter the sum in the account. Provided that, though the whole of the sum may not have been paid or recovered, the instalments received shall be accounted for at such times and in such manner as the above-mentioned local authority may direct.
8. Where a clerk of a Court of Summary Jurisdiction renders an account in the form required or authorised by these Rules to the authority to whom he is required to render it, he shall not be required to render any other account relating to the same particulars.
9. The clerk of each Court of Summary Jurisdiction shall enter on the day of its receipt each sum of money received by him on any account whatever. Each instalment so received shall be entered in a book called the Instalment Ledger to an account to be opened in respect of the proceeding in which the sum is paid.
10. The book required to be kept by section twelve of the Act 14 & 15 Vict. c. 55. shall be kept according to the form in Part III. of the Schedule hereto, and shall be called the Remitted Fees Book.
11. The clerk of each Court of Summary Jurisdiction shall send on the tenth day of January, April, July, and October in each year to the Secretary of State for the Home Department, Whitehall, without paying the postage, a certified statement, in the form in Part III. of the Schedule hereto, of all fines which have been imposed by the Court during the previous three months, and which are payable wholly or in part to Her Majesty or to the Exchequer. If no such fines have been imposed, the statement shall be certified in blank.
12. Where a Court of Summary Jurisdiction has enforced payment of any sum due by a principal in pursuance of a security under the Summary Jurisdiction Act, 1879, which appears to the Court to be forfeited, the sum shall, unless it is recoverable as a civil debt, be paid to the clerk of the Court, and shall be paid and applied by him in the manner in which fines imposed by the Court, in respect of which fines no special appropriation is made, are payable and applicable.
13. Where a Court of Summary Jurisdiction has fixed as respects any recognisance the amount in which a principal and a surety or sureties are to be bound, the Governor of a prison shall not be required to take the recognisance of any person proposed as surety, unless the person so proposed produces a certificate in writing from a Court of Summary Jurisdic-

Summary Jurisdiction Acts.

tion, or a clerk thereof, that he has satisfied the Court or clerk of his ability to pay the amount for which he is to be bound in the event of the recognisance becoming forfeited.

14. Any security given under the Summary Jurisdiction Act, 1879, by an oral or written acknowledgment shall be in the form of an undertaking, and may be in the appropriate form in Part I. or Part II. of the Schedule hereto, or in any other form to the like effect.

15. The clerk of each Court of Summary Jurisdiction shall keep a security book, and shall enter therein, with respect to each security given in relation to any proceeding before the Court, the name and address of each person bound, shewing whether he is bound as principal or as surety, the sum in which each person is bound, the undertaking or condition by which he is bound, the date of the security, and the person before whom it is taken. Where any such security is not entered into before the Court, or before the clerk of the Court, the person before whom it is entered into shall make a return of it, shewing the above particulars, to the clerk of the Court. The security book, and any certified extract therefrom, shall be evidence of the several matters hereby required to be entered in the security book in like manner as if the security book were the register.

16. Not less than two clear days before a warrant of distress is issued for a sum due by a principal in pursuance of a forfeited security under the Summary Jurisdiction Act, 1879, the clerk of the Court of Summary Jurisdiction issuing the warrant shall cause notice of the forfeiture to be served on the principal. Service of the notice may be effected either by prepaid letter sent to the address mentioned in the security, or as service of a summons may be effected under the Summary Jurisdiction Acts.

17. An application under section twenty-six of the Summary Jurisdiction Act, 1879, shall be an application for a summons requiring the complainant to shew cause why the order made on his complaint should not be varied.

18. An application to a Court of Summary Jurisdiction under section thirty-three of the Summary Jurisdiction Act, 1879, to state a special case shall be made in writing, and a copy left with the clerk of the Court, and may be made at any time within seven clear days from the date of the proceeding to be questioned, and the case shall be stated within three calendar months after the date of the application and after the recognisance shall have been entered into.

19. In the case of a claim for a civil debt recoverable summarily, the particulars of the claim shall, unless embodied in the summons, be annexed to and, if so annexed, shall be deemed part of the summons.

20. An order of commitment under section thirty-five of the Summary Jurisdiction Act, 1879, shall not be made unless a summons to appear and be examined on oath (hereinafter called a judgment summons) has been served on the judgment debtor.

21. The judgment summons shall, whenever it is practicable, be served personally on the judgment debtor, but if it is made to appear on oath to a Court of Summary Jurisdiction that prompt personal service is for any reason impracticable, the Court may make such order for substituted or other service as the Court may think just.

22. A judgment summons may issue although no distress warrant has been applied for, and its service, where made out of the jurisdiction of the Court of Summary Jurisdiction issuing the summons, may be proved by affidavit or solemn declaration.

23. A judgment summons shall be served not less than two clear days before the day on which the judgment debtor is required to appear.

24. The hearing of a judgment summons may be adjourned from time to time.

25. Any witness may be summoned to prove the means of the judgment debtor, in the same manner as witnesses are summoned to give evidence on the hearing of a complaint.

26. An order of commitment made under section thirty-five of the Summary Jurisdiction Act, 1879, shall, on whatever day it is issued, bear date on the day on which it was made.

27. When an order of commitment for non-payment of money is issued, the defendant may, at any time before he is delivered into the custody of the governor of a prison, pay to the officer holding the order the amount indorsed thereon as that on the payment of which he may be discharged, and on receiving that amount the officer shall discharge the defendant, and shall forthwith pay over the amount to the clerk of the Court of Summary Jurisdiction which made the order.

28. The sum indorsed on the order of commitment as that on payment of which the prisoner may be discharged may be paid to the clerk of the Court of Summary Jurisdiction from which the commitment order was issued, or to the governor of the prison in whose custody the prisoner is. Where it is paid to the clerk, he shall sign a certificate of the payment, and upon receiving the certificate by post or otherwise the governor of the prison in whose custody the prisoner then is shall forthwith discharge the prisoner. Where it is paid to the governor of the prison, he shall, on payment to him of that amount, with costs suffi-

Summary Jurisdiction Acts.

cient to pay for sending the amount by post office-order or otherwise to the Court of Summary Jurisdiction under the order of which the prisoner was committed, sign a certificate of the payment, and discharge the prisoner, and forthwith transmit the sum so received to the clerk of the said Court.

29. All costs incurred by the plaintiff in endeavouring to enforce an order shall, unless the Court shall otherwise order, be deemed to be due in pursuance of the order, as if it were made under section five of the Debtors Act, 1869.

30. The fee for taking a declaration under section forty-one of the Summary Jurisdiction Act, 1879, shall be one shilling.

31. The forms in the Schedule hereto, or forms to the like effect, may be used, with such variations as circumstances may require.

32. The forms in the Schedule to the Summary Jurisdiction Act, 1848, the Summary Jurisdiction Rules, 1880, with the forms in the Schedule thereto, the Summary Jurisdiction Rules of the 24th of August, 1880, and the Summary Jurisdiction Rule of 1881, are hereby annulled.

(Signed) HERSCHELL, C.

The 16th July, 1886.

SCHEDULE.

PART I.

FORMS IN SUMMARY PROCEEDINGS OTHER THAN FOR CIVIL DEBTS.

1.—INFORMATION OR COMPLAINT.

In the [county of . Petty Sessional Division of].

The day of one thousand hundred and .

The information [or complaint] of C.D. of (address and description), who upon oath [or affirmation] states that A.B. of (address and description) on the day of , at , in the aforesaid, did .

Taken for me,

J.P.

Justice of the Peace for the [county] aforesaid.

2.—SUMMONS TO DEFENDANT.

In the [county of . Petty Sessional Division of].

To A.B. of

Information on oath [or affirmation] has been laid [or Complaint has been made] this day by for that you on the day of at in the aforesaid, did .

You are therefore hereby summoned to appear before the Court of Summary Jurisdiction sitting at on day the day of , at the hour of in the noon, to answer to the said information [or complaint].

Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

3.—SUMMONS FOR FORFEITURE OF RECOGNISANCE.

In the [county of . Petty Sessional Division of].

To A.B. of

You are hereby summoned to appear before the Court of Summary Jurisdiction sitting at on day the day of , at the hour of in the

Summary Jurisdiction Acts.

noon, to shew cause why the recognisances entered into the day of whereby
 you are bound to pay the sum of should not be adjudged to be forfeited.
 Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

4.—SUMMONS TO VARY SURETIES, &C.

In the [county of . Petty Sessional Division of].
 To A.B. of .

You are hereby summoned to appear before the Court of Summary Jurisdiction sitting
 at on day the day of , at the hour of in the
 noon, to shew cause why the order made by the Court of Summary Jurisdiction aforesaid
 [or sitting at], on the day of , against to find surety should
 not be varied or otherwise dealt with.

Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

5.—SUMMONS TO WITNESS.

In the [county of . Petty Sessional Division of].
 To E.F. .

A.B. has been charged by for that he on the day of , at
 in the aforesaid, did .

And it appearing to me by the oath [or affirmation] of that you are likely to give
 material evidence therein on behalf of the informant [or complainant or defendant], and will
 not voluntarily appear for that purpose.

You are therefore hereby summoned to appear before the Court of Summary Jurisdiction
 sitting at , on day the day of , at the hour of in the
 noon, to testify what you know in such matter.

Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

6.—WARRANT FOR APPREHENSION OF DEFENDANT.

In the [county of . Petty Sessional Division of].
 To each and all of the constables of .

Information on oath [or affirmation] has been laid [or Complaint has been made] this
 day [or on the day of] by that A.D. hereinafter called the defen-
 dant on the day of at in the aforesaid, did .

[Where the defendant has been summoned, and has not appeared, add And the defen-
 dant was thereupon summoned to appear before the Court of Summary Jurisdiction sitting
 at on day the day of at the hour of in the noon,
 to answer to the said charge :

And oath [or affirmation, or declaration] has been made that the defendant was duly
 served with the summons, but did not appear, and that such information [or complaint] is
 true.]

You are therefore hereby commanded to bring the defendant before the Court of Sum-
 mary Jurisdiction sitting at forthwith [or on the day of ,
 at the hour of in the noon], to answer to the said information [or complaint].

Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

Summary Jurisdiction Acts.

7.—WARRANT FOR APPREHENSION OF A WITNESS.

In the [county of . Petty Sessional Division of].

To each and all of the constables of

E.F. was duly summoned to appear before the Court of Summary Jurisdiction sitting at
on day the day of , at the hour of in the noon, to
testify what he should know concerning a certain information [or complaint] against *A.B.* :

And he has neither appeared thereto, nor offered any just excuse for his neglect :

And it has been proved on oath [or affirmation] that the summons has been duly [in-
dorsed and] served on him, and that a reasonable sum has been paid [or tendered] to him
for his costs and expenses in that behalf.

You are therefore hereby commanded to bring him before the Court of Summary Juris-
diction sitting at forthwith [or on the day of , at the
hour of in the noon], to testify what he knows concerning the said matter.

Dated the day of one thousand hundred and

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

8.—WARRANT FOR APPREHENSION OF WITNESS IN FIRST INSTANCE.

In the [county of . Petty Sessional Division of].

To each and all of the constables of the of

A.B. has been charged by for that he on the day of , at
in the aforesaid, did

And it appearing to me by the oath [or affirmation] of that *E.F.* is likely to
give material evidence concerning the said matter, and that it is probable he will not attend
to give evidence unless compelled so to do :

You are therefore hereby commanded to bring him before the Court of Summary Juris-
diction sitting at forthwith [or on the day of at the
hour of in the noon], to testify what he knows concerning the said matter.

Dated the day of one thousand hundred and

J.P.

Justice of the Peace for the [county] aforesaid.

Seal.

9.—COMMITMENT OF WITNESS.

In the [county of . Petty Sessional Division of].

To each and all of the constables of , and to the Governor of Her Majesty's
prison at

E.F., having appeared or being brought before the Court of Summary Jurisdiction sitting
at on day, the day of , to testify what he should know con-
cerning a certain matter against *A.B.*, refused to take an oath [or affirmation] [or having
taken an oath or affirmation] refused to answer any [or a certain] question put to him con-
cerning the premises, and did not offer any just excuse for his refusal :

You the said constables are therefore hereby commanded to convey the said *E.F.* safely
to the said prison, and there deliver him to the Governor thereof, together with this warrant,
and you, the Governor of the said prison, to receive him into your custody, and keep him for
the space of , unless he in the meantime consents to be examined and answer concern-
ing the premises.

Dated the day of one thousand hundred and

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

Summary Jurisdiction Acts.

10.—COMMITMENT ON REMAND, &c.

In the [county of . Petty Sessional Division of].
To each and all of the constables of , and to the Governor of Her Majesty's prison at .

A.B., hereinafter called the defendant, being brought before the Court of Summary Jurisdiction sitting at , charged with having

The hearing of the case being adjourned :

You the said constables are therefore hereby commanded to convey the defendant to the said prison, and there to deliver him to the Governor thereof, together with this warrant, and you, the Governor of the said prison, to receive him into your custody, and keep him until the day of 18 , and on that day to convey him before the Court of Summary Jurisdiction sitting at at the hour of in the noon, to be further dealt with according to law.

Dated the day of one thousand hundred and

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

Indorsement where Bail is allowed.

I hereby certify that I consent to the defendant being bailed, himself in pounds, and sureties in pounds each.

11.—CONVICTION FOR PENALTY, &c.

In the [county of . Petty Sessional Division of].

Before the Court of Summary Jurisdiction sitting at .

The day of one thousand hundred and .
A.B., hereinafter called the defendant, is this day convicted for that he, on the day of , at within the aforesaid did .

And it is adjudged that the defendant for his said offence do forfeit and pay the sum of and do also pay the further sum of for compensation and for costs [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of] :

And in default of payment it is adjudged that [the sums due under this adjudication be levied by distress and sale of the defendant's goods, and in default of sufficient distress that] the defendant be imprisoned in Her Majesty's prison at and there kept [to hard labour] for the space of unless the said sums [and all costs and charges of the [said distress and] commitment and of his conveyance to the said prison] be sooner paid.

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

Indorsement where Security for Payment is permitted.

It is ordered that the defendant be at liberty to give to the satisfaction of [this Court] security in the sum of with suret in the sum of [each] for the due payment of the said sums as adjudged.

NOTE.—It may be convenient in practice to have separate forms printed off for the different forms of adjudication.

12.—CONVICTION (IMPRISONMENT).

In the [county of . Petty Sessional Division of].

Before the Court of Summary Jurisdiction sitting at .

The day of one thousand hundred and .
A.B., hereinafter called the defendant, is this day convicted for that he, on the day of , at within the aforesaid, did

And it is adjudged that the defendant, for his said offence, be imprisoned in Her Majesty's prison at and there kept [to hard labour] for the space of

[If costs are ordered add :—

And it is ordered that the defendant pay to the sum of for costs [by

Summary Jurisdiction Acts.

instalments of for every days, the first instalment to be paid] forthwith [or on the day of]:

And in default of payment it is ordered that the sum due be levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be imprisoned in the said prison for the space of commencing at the termination of the imprisonment before adjudged, unless the said sum [and all costs and charges of the [said distress and] commitment, and of his conveyance to the said prison] be sooner paid.]

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

13.—CONVICTION (FORFEITED RECOGNISANCE).

In the [county of . *Petty Sessional Division of*].

Before the Court of Summary Jurisdiction sitting at

The day of one thousand hundred and

A.B., hereinafter called the defendant, was by his recognisance entered into the day of , bound in the sum of , and his sureties *C.D.* and *E.F.* in the sum of each, the condition of the recognisance being that the said defendant should :

And it being now proved that the defendant was on the day of , convicted of the offence of having , the same being a breach of the said condition:

It is therefore adjudged that the said recognisance be forfeited, and that the said pay to the sum of , and the further sum of or costs, [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of]:

And in default of payment it is ordered that the sum due from the said under this adjudication be levied by distress and sale of his goods, and in default of sufficient distress that he be imprisoned in Her Majesty's prison at for the space of unless the said sums [and all costs and charges of the [said distress and] commitment, and of his conveyance to the said prison], be sooner paid.

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

14.—CONVICTION OF CHILD FOR INDICTABLE OFFENCE.

In the [county of . *Petty Sessional Division of*].

Before the Court of Summary Jurisdiction sitting at

The day of one thousand hundred and

A.B., hereinafter called the defendant, being a child within the meaning of the Summary Jurisdiction Act, 1879, and above the age of seven years, is this day convicted, without objection of the parent or guardian, for that he on the day of at , in the aforesaid, did :

And it is adjudged that [*proceed as in other forms of conviction; if whipping is ordered, insert either in addition to or in substitution for any other punishment,*—

And that the defendant, being a male child, be, as soon as practicable, privately whipped with strokes of a birch rod].

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

15.—CONVICTION (BY CONSENT) FOR INDICTABLE OFFENCE.

In the [county of . *Petty Sessional Division of*].

Before the Court of Summary Jurisdiction sitting at

The day of one thousand hundred and

A.B., hereinafter called the defendant, being an adult [or a young person] within the

Summary Jurisdiction Acts.

meaning of the Summary Jurisdiction Act, 1879, is this day charged for that he on the day of at in the aforesaid, did :

The defendant, having consented to be dealt with summarily, is convicted of the said offence :

And it is adjudged that [*proceed as in other forms of conviction ; if whipping is ordered, insert either in addition to or in substitution for any other punishment,*—

And that the defendant, being a male under the age of 14 years, be, as soon as practicable, privately whipped with strokes of a birch rod].

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

16.—CONVICTION (ON PLEA OF GUILTY) FOR INDICTABLE OFFENCE.

In the [county of . Petty Sessional Division of].

Before the Court of Summary Jurisdiction sitting at

The day of one thousand hundred and

A.B., hereinafter called the defendant, is this day charged for that he on the day of , at in the aforesaid, did :

And the defendant having pleaded guilty to the charge, is convicted of the offence, and is adjudged to be imprisoned in Her Majesty's prison at and there kept [to hard labour] for the space of .

[If costs are ordered, add :—

And it is ordered that the defendant pay to the sum of for costs [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of]:

And in default of payment it is ordered that the sum due be levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be imprisoned in the said prison for the space of commencing at the termination of the imprisonment before adjudged, unless the said sum [and all costs and charges of the [said distress and] commitment, and of his conveyance to the said prison] be sooner paid.

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

17.—CONVICTION (WITH SECURITY).

In the [county of . Petty Sessional Division of].

Before the Court of Summary Jurisdiction sitting at

The day of one thousand hundred and

A.B., hereinafter called the defendant, is this day convicted for that he on the day of , at in the aforesaid, did :

But the Court being of opinion that the said offence was of so trifling a nature that it is inexpedient to inflict any [or any other than a nominal] punishment, and the defendant having given security to the satisfaction of this Court to appear for sentence when called upon [or to be of good behaviour], he is discharged :

[If costs are ordered, add :—

And it is ordered that the defendant pay to the said the sum of for costs [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of]:

And in default of payment it is ordered that the sum due be levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be imprisoned in Her Majesty's prison at for the space of unless the said sum [and all costs and charges of the [said distress and] commitment, and of his conveyance to the said prison] be sooner paid.]

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

Summary Jurisdiction Acts.

18.—ORDER FOR MONEY (NOT A CIVIL DEBT).

In the [county of . Petty Sessional Division of].
 Before the Court of Summary Jurisdiction sitting at .
 The day of one thousand hundred and .
 A.B. having made a complaint that C.D., hereinafter called the defendant, on the
 day of , at within the aforesaid, did :

On hearing the said complaint, it is ordered that the defendant pay to the said
 the sum of , and also the sum of for costs, [by instalments of
 for every days, the first instalment to be paid] forthwith [or on the day of]:
 And in default of payment it is ordered that [the said sums be levied by distress and sale
 of the defendant's goods, and in default of sufficient distress that] the defendant be imprisoned
 in Her Majesty's prison at and there kept [to hard labour] for the space of
 unless the said sums [and all costs and charges of the [said distress and] commitment and of
 his conveyance to the said prison] be sooner paid.

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

19.—ORDER FOR OTHER MATTERS.

In the [county of . Petty Sessional Division of].
 Before the Court of Summary Jurisdiction sitting at .
 The day of one thousand hundred and .
 A.B. having made a complaint that C.D., hereinafter called the defendant, on the
 day of at in the aforesaid, did :

On hearing the said complaint, it is ordered that the defendant do :
 [If imprisonment is ordered, add :—
 And it is adjudged that if the defendant neglect or refuse to obey this order, he be
 imprisoned in Her Majesty's prison at for the space of [or unless the
 said order be sooner obeyed].

[If costs are ordered, add :—

And it is ordered that the defendant pay to the said the sum of for
 costs [by instalments of for every days, the first instalment to be paid] forth-
 with [or on the day of]:

And in default of payment it is ordered that the sum due be levied by distress and sale
 of the defendant's goods, and in default of sufficient distress that the defendant be imprisoned
 in the said prison for the space of commencing at the termination of the imprison-
 ment before adjudged, unless the said sum [and all costs and charges of the [said distress
 and] commitment, and of his conveyance to the said prison] be sooner paid].

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

20.—ORDER OF RECOGNISANCE TO KEEP THE PEACE, &c.

In the [county of . Petty Sessional Division of].
 Before the Court of Summary Jurisdiction sitting at .
 The day of one thousand hundred and .
 A.B. having made a complaint that C.D., hereinafter called the defendant, on the
 day of at , in the aforesaid, did :

It is adjudged that the defendant do forthwith to the satisfaction of enter into
 a recognisance in the sum of with suret in the sum of [each]
 to keep the peace and be of good behaviour towards Her Majesty and all her liege people,
 and especially towards the complainant, for the term of now next ensuing :

And it is adjudged that if the defendant fail to comply with this order he be imprisoned
 in Her Majesty's prison at for the space of unless he sooner complies
 with this order.

[If costs are ordered, add :—

And it is ordered that the defendant pay to the said the sum of for

Summary Jurisdiction Acts.

costs [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of]:

And in default of payment it is ordered that the sum due be levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be imprisoned in the said prison for the space of commencing at the termination of the imprisonment before ordered, unless the said sum [and all costs and charges of the [said distress and] commitment, and of his conveyance to the said prison] be sooner paid.]

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

21.—ORDER OF DISMISSAL.

In the [county of . Petty Sessional Division of .]

Before the Court of Summary Jurisdiction sitting at .

The day of one thousand hundred and .

Information [or complaint] having been laid [or made] by that A.B., herein-after called the defendant, on the day of at in the aforesaid, did :

This Court having heard and determined the said information [or complaint] doth hereby dismiss the same:

[If costs are ordered, add:—

And it is ordered that the informant pay to the defendant the sum of for costs [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of]:

And in default of payment it is ordered that the sums due be levied by distress and sale of the informant's [or complainant's] goods, and in default of sufficient distress that the informant [or complainant] be imprisoned in Her Majesty's prison at for the space of , unless the said sums [and all costs and charges of the [said distress and] commitment, and of his conveyance to the said prison] be sooner paid.]

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

22.—ORDER OF DISMISSAL WITH DAMAGES.

In the [county of . Petty Sessional Division of .]

Before the Court of Summary Jurisdiction sitting at .

The day of one thousand hundred and .

Information having been laid by A.B. that C.D., hereinafter called the defendant, on the day of at in the aforesaid, did :

And the Court being of opinion that though the said charge is proved the offence is of so trifling a nature that it is inexpedient to inflict any punishment, doth hereby dismiss the said information;

But doth order that the defendant pay to the informant for damages and for costs [by instalments of for every , the first instalment to be paid] forthwith [or on the day of]:

And in default of payment it is ordered that the said sums be levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be imprisoned in Her Majesty's prison at for the space of unless the said sums [and all costs and charges of the [said distress and] commitment, and of his conveyance to the said prison] be sooner paid.

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

Summary Jurisdiction Acts.

23.—CERTIFICATE OF DISMISSAL.

In the [county of . Petty Sessional Division of].
 I [or We] hereby certify that a charge made against , for that he on the
 day of at in the aforesaid, did , was
 this day heard and determined by the Court of Summary Jurisdiction sitting at
 and dismissed.

Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

24.—WARRANT OF DISTRESS (FOR PENALTY, &C.)

In the [county of . Petty Sessional Division of].
 To each and all of the constables of .

A.B., hereinafter called the defendant, was on the day of convicted
 before the Court of Summary Jurisdiction sitting at for that he on the day of
 at in the aforesaid, did :

And it was adjudged that the defendant for the said offence should be imprisoned [or
 forfeit and pay the sum of], and should also pay the sum of [for com-
 pensation and] for costs [by instalments of for every days, the
 first instalment to be paid] forthwith [or on the day of], and that in default
 the said sum [or sums] should be levied by distress,

And default having been made in payment :

You are hereby commanded to forthwith make distress of the goods of the defendant
 (except the wearing apparel and bedding of him and his family, and, to the value of five
 pounds, the tools and implements of his trade); and if within the space of [five] clear days
 next after the making of such distress, unless he consents in writing to an earlier sale, the
 sum stated at the foot of this warrant, together with the reasonable costs and charges of the
 making and keeping of the said distress, be not paid, then to sell the said goods, and pay
 the money arising therefrom to the clerk of that Court, and if no such distress can be found,
 to certify the same to that Court.

Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

	£	s.	d.
Amount adjudged			
Paid			
Remaining due			
Costs of issuing this warrant			
Total amount to be levied			

25.—WARRANT OF DISTRESS ON AN ORDER FOR MONEY (NOT A CIVIL DEBT), OR
FOR COSTS, &C.

In the [county of . Petty Sessional Division of].
 To each and all of the constables of .

Between , Complainant, and , Defendant.

On the day of it was ordered by the Court of Summary Jurisdiction
 sitting at that the should pay to the [the sum of
 for , and] the sum of for costs [by instalments of
 for every days, the first instalment to be paid] forthwith [or on the day of
], and that in default the said sums should be levied by distress :

And default having been made in payment :

You are hereby commanded to forthwith make distress of the goods of the defendant [or
 complainant] except the wearing apparel and bedding of him and his family, and, to the value
 of five pounds, the tools and implements of his trade); and if within the space of [five] clear

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days next after the making of such distress, unless he consents in writing to an earlier sale, the sum stated at the foot of this warrant, together with the reasonable costs and charges of the making and keeping of the said distress, be not paid, then to sell the said goods, and pay the money arising therefrom to the clerk of that Court, and if no such distress can be found, to certify the same to that Court.

Dated the day of one thousand hundred and .

J.P.,
Justice of the Peace for the [county] aforesaid.



	£	s.	d.
Amount adjudged			
Paid			
Remaining due			
Costs of issuing this warrant			
Total amount to be levied			

26.—WARRANT OF DISTRESS FOR SUM DUE UNDER RECOGNISANCE.

In the [county of . Petty Sessional Division of].
To each and all of the constables of].

A.B. was by his recognisance entered into the day of bound in the sum of

And the condition of the said recognisance having been broken, it was on the day of adjudged by the Court of Summary Jurisdiction sitting at that the said recognisance be forfeited, and that he do pay the said sum of , and also do pay the further sum of for costs [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of]:

And default having been made in payment:

You are hereby commanded to forthwith make distress of the goods of the said (except the wearing apparel and bedding of him and his family, and, to the value of five pounds, the tools and implements of his trade); and if within the space of [five] clear days next after the making of such distress, unless he consents in writing to an earlier sale, the sum stated at the foot of this warrant, together with the reasonable costs and charges of the making and keeping of the said distress, be not paid, then to sell the said goods, and pay the money arising therefrom to the clerk of that Court, and if no such distress can be found, to certify the same to that Court.

Dated the day of one thousand hundred and .

J.P.,
Justice of the Peace for the [county] aforesaid.



	£	s.	d.
Amount due under recognisance			
Paid			
Remaining due			
Costs of issuing this warrant			
Total amount to be levied			

27.—RETURN OF INSUFFICIENT DISTRESS TO BE INDORSED ON WARRANT.

I, , constable of the of , hereby certify that, by virtue of the within-written warrant, I have made diligent search for the goods of the within-named A.B., and that I can find no sufficient goods of him whereon the sums within-mentioned can be levied.

Dated the day of one thousand hundred and .

X.Y.

Summary Jurisdiction Acts.

28.—ACCOUNT OF CHARGES INCURRED ON A WARRANT OF DISTRESS.

In the matter of an information [or a complaint] by _____ against _____
 I _____ of _____ the constable charged with the execution of the warrant of
 distress upon the goods of _____ dated the _____ day of _____ hereby declare that the
 following is a true account of the costs and charges incurred in respect of the execution of the
 said warrant :—

Dated the _____ day of _____ one thousand _____ hundred and _____
 £ s. d.

Total _____

A.B.

29.—COMMITMENT IN LIEU OF DISTRESS.

In the [county of _____] Petty Sessional Division of _____].
 To each and all of the constables of _____ and to the Governor of Her Majesty's
 prison at _____

A.B., hereinafter called the defendant, was this day [or on the _____ day of _____],
 before the Court of Summary Jurisdiction sitting at _____, convicted [or ordered] [recit-
 ing conviction or order:]

And default having been made in payment :

And it appearing to this Court that the defendant has no [sufficient] goods whereon to
 levy distress [or that the levy of the distress will be more injurious to the defendant and his
 family than imprisonment] :

It is ordered that the defendant be imprisoned in Her Majesty's prison aforesaid and there
 kept [to hard labour] for the space of _____, unless the said sum [and all costs and
 charges of his commitment and of his conveyance to the said prison] be sooner paid :

And you the said constables are hereby commanded to take the defendant, and convey
 him to the said prison, and there deliver him to the Governor thereof, together with this
 warrant ; and you the Governor of the said prison to receive the defendant into your custody,
 and keep him [to hard labour] for the space of _____, unless the said sum [and all costs
 and charges of his commitment and of his conveyance to the said prison] be sooner paid.

Dated the _____ day of _____ one thousand _____ hundred and _____

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

30.—COMMITMENT PENDING RETURN TO WARRANT OF DISTRESS.

In the [county of _____] Petty Sessional Division of _____].
 To each and all of the constables of _____, and to the Governor of Her Majesty's
 prison at _____

A.B., hereinafter called the defendant, was this day [or on the _____ day of _____]
 before the Court of Summary Jurisdiction sitting at _____ convicted [or ordered] [reciting
 conviction or order] :

And default having been made in payment, a warrant of distress was issued, but no return
 has been made thereto :

And the defendant not having given sufficient security to the satisfaction of this Court for
 his appearance at the time and place appointed for the return of the warrant of distress :

You the said constables are hereby commanded to convey the defendant to the said prison,
 and there deliver him to the Governor thereof, together with this warrant ; and you the
 Governor of the said prison to receive the defendant into your custody, and keep him until
 the _____ day of _____, and on that day to convey him before the Court of Summary
 Jurisdiction aforesaid [or sitting at _____] at the hour of _____ in the _____ noon [unless
 he previously enters into a recognisance in the sum of _____ with _____ suret _____ in the
 sum of _____ [each] conditioned for his appearance on that day, or pays the sum of _____
 , being the amount payable under such warrant].

Dated the _____ day of _____ one thousand _____ hundred and _____

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

Summary Jurisdiction Acts.

81.—COMMITMENT IN DEFAULT OF DISTRESS.

In the [county of . . . Petty Sessional Division of . . .].
To each and all of the constables of . . . , and to the Governor of Her Majesty's
prison at . . .

A.B., hereinafter called the . . . , was this day [or on the . . . day of . . .]
before the Court of Summary Jurisdiction sitting at . . . convicted [or ordered] [*reciting
conviction or order*]:

And default having been made in payment, the constables aforesaid were authorised by
warrant dated the . . . day of . . . , to levy the sum of . . . by distress.

And it now appearing that no sufficient distress whereon to levy the said sum could be
found [and that a balance of . . . is due under such adjudication or order]:

You the said constables are hereby commanded to convey the defendant [or complainant]
to the said prison, and there deliver him to the Governor thereof, together with this warrant;
and you the Governor of the said prison to receive the defendant [or complainant] into your
custody, and keep him [*to hard labour*] for the space of . . . [in lieu of the term origin-
ally imposed] unless the said sum [and all the costs and charges of the said distress, amount-
ing to the further sum of . . . [and the costs and charges of his commitment and of his
conveyance to the said prison] be sooner paid.

Dated the . . . day of . . . one thousand . . . hundred and . . .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

82.—COMMITMENT FOR A PENALTY WITHOUT DISTRESS.

In the [county of . . . Petty Sessional Division of . . .].
To each and all of the constables of . . . , and to the Governor of Her Majesty's
prison at . . .

A.B., hereinafter called the defendant, was this day [or on the . . . day of . . .],
before the Court of Summary Jurisdiction sitting at . . . , convicted [or ordered] [*reciting
conviction or order*].

And default having been made in payment:

You the said constables are hereby commanded to convey the defendant to the said prison,
and there deliver him to the Governor thereof, together with this warrant; and you the
Governor of the said prison to receive the defendant into your custody and keep him [*to hard
labour*] for the space of . . . , unless the said sums [and the costs and charges of his
commitment and of his conveyance to the said prison] be sooner paid.

Dated the . . . day of . . . one thousand . . . hundred and . . .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

83.—COMMITMENT ON SENTENCE OF IMPRISONMENT ONLY.

In the [county of . . . Petty Sessional Division of . . .].
To each and all of the constables of . . . , and to the Governor of Her Majesty's
prison at . . .

A.B., hereinafter called the defendant, has been this day, before the Court of Summary
Jurisdiction sitting at . . . , convicted [*here recite conviction and adjudication*].

You the said constables are hereby commanded to convey the defendant to the said prison,
and there deliver him to the Governor thereof, together with this warrant; and you the
Governor of the said prison to receive the defendant into your custody, and keep him [*to hard
labour*] for the space of . . .

Dated the . . . day of . . . one thousand . . . hundred and . . .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

Summary Jurisdiction Acts.

34.—COMMITMENT ON AN ORDER IN THE FIRST INSTANCE.

In the [county of . Petty Sessional Division of].
To each and all of the constables of , and to the Governor of Her Majesty's
prison at

A.B., hereinafter called the defendant, was, on the day of 18 , before
the Court of Summary Jurisdiction sitting at , ordered [here recite order].

And default having been made in payment [or obeying the said order]:

You the said constables are hereby commanded to convey the defendant to the said
prison, and there deliver him to the Governor thereof, together with this warrant: and you
the Governor of the said prison to receive the defendant into your custody and keep him [to
hard labour] for the space of , unless the said sums [or the said order be sooner
obeyed] [and the costs and charges of commitment and of his conveyance to the said prison],
be sooner paid.

Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

35.—ENDORSEMENT ON PROCESS.

Proof on oath [or solemn declaration] having this day been made before me that the
name of J.S. to the within summons [or warrant] subscribed is of the handwriting of the
Justice of the Peace within mentioned, I authorise W.T., who brings to me this summons
[or warrant], and all other persons by whom it may be lawfully served [or executed], and
also all constables of the [county] of to serve [or execute] the same within the
said [county].

Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

36.—RECOGNISANCE.

In the [county of . Petty Sessional Division of].
We, the undersigned, severally acknowledge ourselves to owe to our Sovereign Lady the
Queen the several sums following, namely of as principal, the sum
of and of and of as suret the sum of
each, to be levied on our several goods, lands, and tenements if the said principal fail in the
condition hereon indorsed.

(Signed, where not taken orally)

A.B.

L.M.

N.O.

Taken [orally] before me the day of one thousand
and hundred

J.P.,

Justice of the Peace for the [county]

aforesaid, or

Clerk of the Court of Summary Jurisdiction for
the Petty Sessional Division of , or
Superintendent of the Police.

Seal.

CONDITION.

The condition of the above recognisance is such that if the above-bounden principal shall
appear before the Court of Summary Jurisdiction sitting at on day, the

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day of _____, at the hour of _____ in the _____ noon, to answer to the charge made against him by _____ and to be dealt with according to law.

[or shall appear before the Court of Summary Jurisdiction sitting at _____ for sentence when called upon],

[or shall keep the peace and be of good behaviour towards Her Majesty and all Her liege people, and especially towards _____ for the term of _____ now next ensuing],

[or shall _____].

Then the said recognisance shall be void, but otherwise shall remain in full force.

37.—ENDORSEMENT OF FORFEITURE OF RECOGNISANCE.

In the [county of _____ . Petty Sessional Division of _____].

Before the Court of Summary Jurisdiction sitting at _____

The within-mentioned principal not having complied with the said condition, this Court adjudges the within-written recognisance to be forfeited.

Dated the _____ day of _____, one thousand _____ hundred and _____

J.P.

Justice of the Peace for the [county] aforesaid.

Seal.

38.—ENDORSEMENT MITIGATING FORFEITURE, &c.

In the [county of _____ . Petty Sessional Division of _____].

Before the Court of Summary Jurisdiction sitting at _____

The within-mentioned recognisance having been adjudged to be forfeited, and A.B. having applied to this Court to cancel [or mitigate] such forfeiture, and having given security to the satisfaction of this Court for the future performance of the condition of the said recognisance, and having paid [or given security for payment of] the costs incurred in respect of the forfeiture thereof [or insert such other condition as the Court may think just]:

Therefore the said forfeiture is hereby cancelled [or mitigated to the sum of _____].

Dated the _____ day of _____ one thousand _____ hundred and _____

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

39.—NOTICE OF RECOGNISANCE TO BE GIVEN TO THE DEFENDANT AND HIS SURETIES.

Take notice that you A.B. are bound in the sum of _____ as principal, and you L.M. [and N.O.] in the sum of _____ as sureties, that you, the said principal, appear before the Court of Summary Jurisdiction sitting at _____ on _____ day, the _____ day of _____,

at the hour of _____ in the _____ noon to answer to the charge made against you by _____ and to be dealt with according to law [or as the case may be], and unless you, the said principal, appear accordingly the said sums will forthwith be levied on you severally.

Dated the _____ day of _____ one thousand _____ hundred and _____

J. P.,

Justice of the Peace for the [county] aforesaid.

Seal.

40.—SECURITY FOR PENALTY, &c.

In the [county of _____ . Petty Sessional Division of _____].

A.B., hereinafter called the defendant, was this day [or on the _____ day of _____] by a certain conviction [or order] before the Court of Summary Jurisdiction sitting at _____ adjudged to pay the sum of _____ [by instalments of _____ for every _____ days, the first instalment to be paid] forthwith [or on the _____ day of _____] and to give security for the due payment thereof:

Summary Jurisdiction Acts.

Now, therefore, the defendant, and his sureties *C.D.* of _____ and *E.F.* of _____, hereby undertake that the defendant will pay the sum adjudged at the time and in the manner thereby directed, and hereby severally acknowledge themselves severally bound to forfeit and pay to [the clerk of the Court] the sum of _____ in case the defendant fails to perform this undertaking.

(Signed where not taken orally) *A.B.*, Defendant.
C.D., } Sureties.
E.F., }

Taken [orally] before me the _____ day of _____ one thousand _____ hundred and _____

J.P.,
 Justice of the Peace for the [county] aforesaid.

41.—SECURITY TO PERFORM CONDITION OF FORFEITED RECOGNISANCE.

In the [county] of _____ . *Petty Sessional Division* of _____].

A.B., hereinafter called the defendant, was by his recognisance entered into the day of _____ bound in the sum of _____ :

And the said recognisance has been adjudged to be forfeited, but the said defendant has applied to the Court of Summary Jurisdiction sitting at _____ to cancel [or mitigate] the forfeiture :

Now, therefore, the defendant and his sureties *C.D.* of _____ and *E.F.* of _____ hereby undertake that the condition of the said recognisance shall be duly performed [and that the said _____ shall on or before the _____ day of _____ pay the sum of _____ for costs incurred in respect of the said forfeiture]; and hereby severally acknowledge themselves severally bound to forfeit and pay to [the clerk of the Court] the sum of _____ in case the said defendant fails to perform the condition of the said recognisance.

(Signed, where not taken orally) *A.B.*
C.D.
E.F.

Taken [orally] before me the _____ day of _____ one thousand _____ hundred and _____

J.P.,
 Justice of the Peace for the [county] aforesaid.

42.—NOTICE TO PRINCIPAL OF FORFEITURE OF SECURITY.

In the [county] of _____ . *Petty Sessional Division* of _____].

To *A.B.*, of _____ .

Take notice that you have forfeited the sum of _____ , for which you were bound by your undertaking entered into the _____ day of _____ , and that unless you pay that sum to _____ at _____ on or before the _____ day of _____ a warrant of distress will be issued for the recovery thereof.

Dated the _____ day of _____ one thousand _____ hundred and _____ .

 Clerk of the Court of Summary Jurisdiction
 for the [county] aforesaid.

43.—ORDER VARYING ORDER FOR SURETIES.

In the [county] of _____ . *Petty Sessional Division* of _____].

Before the Court of Summary Jurisdiction sitting at _____ .

A.B., hereinafter called the defendant, has been under a warrant of commitment dated the _____ day of _____ , issued by this Court [or the Court of Summary Jurisdiction sitting at _____] committed to prison for default in finding suret _____ in the sum of _____ .

Upon further consideration it is now ordered that the amount in which the suret _____ of the defendant are to be bound be reduced to _____ [or that the obligation of the defendant to find suret _____ be dispensed with].

Dated the _____ day of _____ one thousand _____ hundred and _____ .

J.P.,
 Justice of the Peace for the [county] aforesaid.

Seal.

Summary Jurisdiction Acts.

44.—ORDER TO BRING UP A PRISONER.

In the [county of . Petty Sessional Division of].

To the Governor of Her Majesty's prison at

You are hereby ordered to bring *A.B.*, now in your custody, before the Court of Summary Jurisdiction sitting at on day the day of , at the hour of in the noon, that he may enter into a recognisance with suret conditioned to keep the peace [or appear and try an appeal from the conviction [or order] of the Court of Summary Jurisdiction sitting at dated the day of , or apply for re-examination], and may be thereupon released from your custody.

Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

45.—NOTICE TO PARENT OR GUARDIAN OF CHILD CHARGED WITH AN INDICTABLE OFFENCE.

In the [county of . Petty Sessional Division of].

To of

A.B. has been charged with , and has been remanded until the sitting of the Court of Summary Jurisdiction sitting at on the day of , at the hour of , and it has been alleged that you are his parent [or guardian],

If you desire that he be tried by a jury, and object to his case being dealt with summarily, you must attend before that Court on that day and hour.

Dated the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.

46.—DECLARATION OF SERVICE.

I of hereby solemnly declare that I did on the day of , serve of with the [warrant, summons, notice, process,] now shown to me, and marked A, by delivering a true copy thereof to him [or by leaving a true copy thereof with for him at , being his last [or most usual] place of abode].

Declared before me the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.
[Or other description.]

47.—DECLARATION AS TO HANDWRITING AND SEAL.

I of hereby solemnly declare that the signature to the document now produced and shown to me, and marked A, is in the handwriting of [and that the seal on the said document is the seal of].

Declared before me the day of one thousand hundred and .

J.P.,

Justice of the Peace for the [county] aforesaid.
[Or other description.]

48.—CERTIFICATE OF COSTS OF PROSECUTION OF INDICTABLE OFFENCE DEALT WITH SUMMARILY.

In the [county of . Petty Sessional Division of].

Before the Court of Summary Jurisdiction sitting at .

A.B. [an adult, young person, or child] having been charged for that he did [state substance of charge], and the above Court having, in pursuance of its statutory jurisdiction, dealt with the case summarily, on the day of , and convicted the said *A.B.* [or dismissed the said charge]:—It is hereby certified that the undermentioned persons are

Summary Jurisdiction Acts.

for their expenses, trouble, and loss of time in connection with the said charge, entitled to compensation as follows :—

	£	s.	d.
<i>C.D.</i> [<i>state trade or profession</i>], the prosecutor, residing at _____, for his attendance here _____ day and night, being altogether _____ hours			
For travelling _____ miles each way, _____ mileage, railway fare .			
The same for fees payable to the justices' clerk			
The same for fees payable to the clerk of the peace			
<i>E.F.</i> [<i>state trade or profession</i>], a witness, residing at _____, for his attendance here _____ day and night, being altogether _____ hours .			
The same for travelling _____ miles each way, _____ mileage, railway fare .			
	£		

Dated the _____ day of _____ one thousand _____ hundred and _____
J.P.,
 Justice of the Peace for the [county] aforesaid.

Received _____ 18 _____, of the _____ Treasurer of the [county] aforesaid
 the amount above certified.

Note.—The allowances to prosecutors and witnesses must be in strict accordance with the Rules and Regulations made by the Secretary of State on the 9th February, 1858.

49.—CERTIFICATE OF CLERK OF THE PEACE THAT THE COSTS OF AN APPEAL HAVE NOT BEEN PAID.

I hereby certify that at a Court of [adjourned] General Quarter Sessions of the Peace holden at _____, in and for the _____ of _____, on _____ the _____ day of _____, an appeal by _____ against a conviction [or order] of the Court of Summary Jurisdiction sitting at _____ was heard and determined, and that it was thereupon ordered that the said conviction [or order] should be confirmed [or quashed], and that the appellant [or respondent] should, on or before the _____ day of _____, pay to me the sum of _____ for the respondent's [or appellant's] costs of the said appeal.

And I further certify that the said sum for costs has not been paid.

Dated the _____ day of _____ one thousand _____ hundred and _____
A.B.,
 Clerk of the Peace for the [county] aforesaid.

PART II.

FORMS APPLICABLE TO PROCEEDINGS FOR THE RECOVERY OF A CIVIL DEBT.

1. COMPLAINT.

In the [county of _____] . Petty Sessional Division of _____].
 Between *A.B.* Plaintiff,

Address _____
 Description _____ and _____
C.D. Defendant,

Address _____
 Description _____
 The _____ day of _____
 The plaintiff complains that _____ and claims the sum of _____ for [damages].
 Made before me _____ this _____ day of _____
J.P.,

Justice of the Peace for the [county] aforesaid.

Summary Jurisdiction Acts.

2.—SUMMONS TO APPEAR.

In the [county of

. Petty Sessional Division of]

Between A.B.

Plaintiff,

Address

Description

and

C.D.

Defendant,

Address

Description

To the defendant herein.

You are hereby summoned to appear before the Court of Summary Jurisdiction sitting at
 on day the day of at the hour of in the noon,
 to answer the plaintiff's claim, the particulars of which are hereto annexed.

Dated the day of

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

3.—SUMMONS TO WITNESS.

In the county of

. Petty Sessional Division of]

Between A.B.

Plaintiff,

Address

Description

and

C.D.

Defendant,

Address

Description

To of

You are hereby required to attend before the Court of Summary Jurisdiction sitting at
 on day the day of , at the hour of in the noon,
 to give evidence in the above cause on behalf of the [plaintiff or defendant].

Dated the day of

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

4.—JUDGMENT.

In the [county of

. Petty Sessional Division of]

Before the Court of Summary Jurisdiction sitting at

The day of

one thousand

hundred and

Between A.B.

Plaintiff,

Address

Description

and

C.D.

Defendant,

Address

Description

It is adjudged that the pay the [the sum of for debt [or damages]
 and] the sum of for costs [by instalments of for every days, the
 first instalment to be paid] forthwith [or on the day of]; and in default of
 payment that the sum due thereunder be levied by distress and sale of the goods
 [or where security is accepted and that the be at liberty to give to the satisfaction
 of this Court [or of] security in the sum of with suret in the
 sum of [each] for payment of the sum adjudged].

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

Summary Jurisdiction Acts.

5.—JUDGMENT SUMMONS.

In the [county of . Petty Sessional Division of].
 The day of one thousand hundred and
 Between A.B. Plaintiff,
 Address
 Description

and

C.D. Defendant,
 Address
 Description

To the above-named defendant [or plaintiff].

The plaintiff [or defendant] obtained a judgment against you the above-named defendant [or plaintiff] before the Court of Summary Jurisdiction sitting at on the day of , for the payment of pounds shillings, and pence.

And you having made default in payment of the said sum are hereby summoned to appear personally before the Court of Summary Jurisdiction sitting at on day the day of [next], at the hour of in the noon, to be examined on oath by the Court touching the means you have or have had since the date of the judgment to satisfy the sum payable in pursuance of the said judgment, and also to shew cause why you should not be committed to prison for such default.

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

Amount of judgment, and costs £ s. d.
 Costs of distress against the goods, if any

Deduct { Amounts paid
 Instalments which were not required to
 have been paid before the date of the
 summons

Sum payable
 Costs of this summons

Amount upon the payment of which no further proceedings will
 be had until default in payment of next instalment

6.—ORDER OF COMMITMENT.

In the [county of . Petty Sessional Division of].
 Between A.B. Plaintiff,
 Address
 Description

and

C.D. Defendant,
 Address
 Description

To each and all of the Constables of and to the Governor of Her Majesty's prison at

The plaintiff [or defendant] obtained a judgment against the defendant [or plaintiff] before the Court of Summary Jurisdiction sitting at on the day of for the payment of £.

And the defendant [or plaintiff] has made default in payment of the said sum, and the defendant (or plaintiff) having been duly summoned to shew cause why he shall not be committed to prison for such default:

And it being now proved that the defendant [or plaintiff] now has or has had since the date of the judgment the means to pay the sum then due and payable in pursuance of the

Summary Jurisdiction Acts.

judgment, and has refused [(or) neglected (or) now refuses or neglects] to pay the same, and has shewn no cause why he should not be committed to prison:

It is ordered that the defendant [(or) plaintiff] be committed to prison for _____ days, unless he sooner pay the said sum and costs stated below as that on the payment of which he is to be discharged.

And you, the said constables, are hereby required to take the defendant [(or) plaintiff] and to deliver him to the Governor of Her Majesty's prison at _____, and you the said Governor to receive the defendant [(or) plaintiff], and there keep him for _____ days from the arrest under this order, or until he is sooner discharged by due course of law.

Dated the _____ day of _____ one thousand _____ hundred and _____

J.P.,

Justice of the Peace for the [county] aforesaid.

£ s. d.

Total sum payable at the time of hearing of the judgment-summons

Cost of hearing of summons, and of this order

Total sum on payment of which the prisoner will be discharged

7.—CERTIFICATE FOR DISCHARGE FROM CUSTODY.

In the [county of _____] Petty Sessional Division of _____].

Between A.B., Plaintiff, and C.D., Defendant.

To the Governor of Her Majesty's prison at _____

I hereby certify that the defendant [(or) plaintiff], who was committed to your custody by an order of commitment dated the _____ day of _____, has paid the sum mentioned in the said order as that upon payment of which he would be discharged, and may in respect of the said order be forthwith discharged.

Dated the _____ day of _____ one thousand _____ hundred and _____

A.B.,

Clerk of the Court of Summary Jurisdiction at _____

8.—DISTRESS WARRANT.

In the [county of _____] Petty Sessional Division of _____].

Between A.B.

Plaintiff,

Address _____

Description _____

and

C.D.

Defendant,

Address _____

Description _____

To each and all of the constables of _____

On the _____ day of _____, it was ordered by the Court of Summary Jurisdiction sitting at _____ that the defendant [(or) plaintiff] should pay to the plaintiff [(or) defendant] _____ for debt [(or) damages], and _____ for costs, forthwith [(or) on the _____ day of _____], and in default the sums due thereunder should be levied by distress and sale of the defendant's goods.

And default having been made, you are hereby commanded forthwith to make distress of the goods of the said defendant [(or) plaintiff] (except the wearing apparel and bedding of him and his family, and, to the value of five pounds, the tools and implements of his trade), and if within the space of five clear days next after the making of such distress the sum stated at the foot of this warrant to be levied together with the reasonable charges of the making and keeping of the said distress, be not paid, then to sell the said goods by you distrained and pay the money arising thereby to the Clerk of that Court, and if no such distress can be found to certify the same to that Court.

Dated the _____ day of _____ one thousand _____ hundred and _____

J.P.,

Justice of the Peace for the [county] aforesaid.

Summary Jurisdiction Acts.

Amount adjudged	£	s.	d.
Paid			
Remaining due			
Costs of issuing this warrant			
Total amount to be levied			

9.—UNDERTAKING TO PAY CIVIL DEBT.

In the [county of] Petty Sessional Division of Plaintiff,
Between A.B.
Address
Description
and
C.D. Defendant,

Address
Description
It was on the day of ordered by the Court of Summary Jurisdiction sitting at, that the plaintiff recover against the defendant the sum of for debt [or damages] and for costs, and that the defendant pay the same to the plaintiff [by instalments of for every days, the first instalment to be paid] forthwith [or on the day of], and that the defendant should be at liberty to give to the satisfaction of the Court [or as in judgment] security in the sum of with suret in the sum of [each] for the payment of the said sums.
Now, therefore, the defendant, and C.D. of and E.F. of as suret hereby undertake that the defendant will pay the said sum thereby adjudged.
And the said defendant and the said suret hereby severally acknowledge themselves bound to forfeit and pay to the sum of in case the defendant fail to perform this undertaking.

(Signed if not taken orally) A.B. Defendant.
C.D. { Sureties.
E.F. }

Taken [orally] before me the day of one thousand hundred and
J.P.,
Justice of the Peace for the [county] aforesaid.

PART III.
GENERAL FORMS.

1.—REGISTER.

In the [county of] Petty Sessional Division of
Register of the Court of Summary Jurisdiction sitting at
The day of 18

Number (1)	Name of Informant or Complainant (2)	Name of Defendant and Age, if under 16 (3)	Nature of Offence, or of Matter of Complaint (4)	Minute of Adjudication (5)	Justices adjudicating (6)

Summary Jurisdiction Acts.

2.

Petty Sessional Division of

ACCOUNT of all FINES and FEES, and other Sums of Money Imposed or Received, shewing their Appropriation and the Portions payable to the	TREASURER for the	ending	18	.
---	-------------------	--------	----	---

A transcript to be forwarded to the Treasurer forthwith at the time prescribed by the proper authority, with a remittance for the amount payable to him.

[illegible]

Summary Jurisdiction Acts.

County of
4.
Borough of
or Petty Sessional Division of
18
RETURN OF EXCHEQUER FINES, PENALTIES, &c., imposed during the quarter ended
I certify that the following is a correct statement of all fines and penalties imposed during the quarter above stated at this Court, which are payable either wholly or in part to Her Majesty or the Exchequer, excepting Excise penalties, and also of all Forfeitures, the proceeds of which are similarly payable, the total amount being £
, Clerk to the Justices of the Petty Sessional Division at

Date, 18	Name of Person Fined	Act under which the Fine was inflicted	Amount of Fine	By whom received <i>In cases where the Fine has not been paid, and the person has been committed to prison, state to what prison committed, and date of commitment</i>	If Fine has been already remitted to Exchequer, state to whom sent and Date	Particulars as to any Forfeiture	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

EMPLOYERS AND WORKMEN ACT, 1875.

RULES.

1. These Rules may be cited as the Employers and Workmen Rules, 1886, and shall come into operation on the first day of January, 1887.

2. The proceedings in relation to any dispute between an employer and a workman be commenced under the Employers and Workmen Act, 1875, in a Court of Summary Jurisdiction for the district in which the defendant or one of the defendants dwelt or carried on business, or was employed at the time the cause of action arose, or in which he or one of them happens to be at the time of the entry of the action, and thereupon the same proceedings shall be had, and the same forms may be used, as upon a claim for a civil debt under the Summary Jurisdiction Acts: Provided that the summons shall be served four clear days at least before the hearing in manner directed by the said Summary Jurisdiction Acts, or by leaving it with an adult person at the office or place of business or employment of the defendant or one of the defendants: Provided also that no order of commitment shall be made against an apprentice until he shall have been personally served with a judgment summons.

3. A defendant shall not, except by leave of the Court of Summary Jurisdiction, on such terms as the Court may think fit, be permitted to set up against the claims of the plaintiff any set-off or counter-claim, unless he shall have served, or cause to be served, by registered post letter or otherwise, two clear days at least before the return-day, a notice thereof directed to the plaintiff at his address as mentioned in the summons, setting forth the particulars of such set-off or counter-claim. Service of any notice by post shall, unless the contrary be proved, be deemed to have been made on the day upon which the letter would have been delivered in the ordinary course of post.

4. Where disputes between an employer and his workmen are of such a character that the liability of the employer to divers of his workmen depends upon circumstances common to a whole class of their claims, the names of all the workmen whose claims are grounded upon common circumstances may be inserted as plaintiffs in one summons. Where the number of such plaintiffs is large, the name of one plaintiff only may be inserted in the body of the summons, and in such case the names of the other plaintiffs, together with their descriptions and addresses and the amounts of their respective claims, may be indorsed on the summons or added in a schedule thereto annexed.

5. The employer may, at the hearing of any such summons, object that the claim of any plaintiff included in the summons ought to be separately heard and determined, either on the ground that the amount claimed is disputed, as well as the liability, or as depending on special circumstances. The name of any plaintiff, whose claim is so objected to, shall be struck out by order of the Court of Summary Jurisdiction.

6. When the summons comes on for hearing, the case of the plaintiff first named in the summons shall (unless the Court otherwise directs) be heard and determined, and the claims of all the other plaintiffs whose names shall have been included in the summons, and not struck out as in Rule 5 provided, shall abide the result of the case so determined.

7. If the Court of Summary Jurisdiction dismisses the summons, no claim shall afterwards be admitted at the instance of any workman whose name was included in the summons (and was not struck out as in Rule 5 provided) in respect of the claim made thereby, unless he shews to the satisfaction of the Court that his name was included in the summons without his consent.

8. If the Court of Summary Jurisdiction finds in favour of the plaintiff whose case is tried, it shall make an order on all the claims of the plaintiffs included in the summons (not struck out as in Rule 5 provided), and such order shall operate and take effect as if the claim of each workman, whose name may have been so included as a plaintiff in the summons and not struck out, had been separately heard and determined by the Court, and an order had been made on each such claim.

9. The Court of Summary Jurisdiction by whom any action has been determined *ex parte* may, at the same or any subsequent Court, set aside any judgment so given, and any process thereon, and may grant a new trial on such terms as the Court may think fit.

The 16th July, 1886.

Seal.

Seal.

Employers and Workmen Act.

3.—UNDERTAKING BY DEFENDANT TO PERFORM CONTRACT.

In the [county of . . .] *Petty Sessional Division of* . . .
 Between *A.B.*, Plaintiff,
 and
C.D., Defendant.

Whereas it having been found by the Court of Summary Jurisdiction, sitting at . . . on the . . . day of . . ., that the defendant had broken the contract for the breach of which he was summoned, it is ordered that he should give security for the performance of his contract :

Now, therefore, I the defendant, and we [or I] his suret . . ., do undertake that the said defendant will perform the said contract, that is to say [setting out the particulars if necessary] :

And we do hereby severally acknowledge ourselves bound to forfeit to the plaintiff the sum of . . . pounds and . . . shillings, in case the said defendant fails to perform what he has hereby undertaken to perform.

(Signed where not taken orally)

C.D., Defendant
E.F.,
G.H., } Sureties.

Taken before me this . . . day of . . .

J.P.,

Justice of the Peace for the [county] aforesaid.

Seal.

FEES.

	<i>s.</i>	<i>d.</i>
For entry of every plaint, including summons thereon	1	0
For order in writing on a plaint	2	0
For every undertaking given by way of security	2	0
For judgment-summons, including hearing	1	0
For warrant of distress or order of commitment	2	0
For summons to witness	1	0

N.B.—Where the sum claimed exceeds 1*l.* 0*s.* 0*d.*, or the sum in respect of the non-payment of which the summons for or order of commitment or warrant of distress issues exceeds 1*l.* 0*s.* 0*d.*, an additional fee of one shilling on each fee shall be taken.

For mileage in serving or executing process, and } Such reasonable cost as may
 for cost of conveying to prison } be allowed by the Court.
 For affidavit and postage }

LAW JOURNAL REPORTS, 1887.

SUPREME COURT OF JUDICATURE.

SUPREME COURT FUNDS RULES, 1886.

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MEMORANDUM.

The following are the only changes made by the Funds Rules now issued, to which it is necessary to draw attention. Other amendments are either merely verbal or only deal with matters of departmental procedure not material to the public :—

Rule 5 gives effect, as regards Pay Office procedure, to Rule 3A. of Order LI. of the Rules of the Supreme Court of December, 1885, under which lodgments of purchase-money may be made upon the authority of a Chief Clerk, without a special Order for such lodgment.

The Rule further provides that an Order or an authority for a lodgment of purchase-money may direct that the fund shall not be dealt with without notice.

Rule 48 largely extends the facilities for obtaining payment of money without personal attendance at the Pay Office. These extended facilities apply both to solicitors entitled to costs, &c., and to suitors generally. They are in some degree dependent upon the receipt of authoritative information by the Paymaster of the addresses of the persons or firms entitled to payment. General provision is therefore made in the Rules that this information shall, so far as is practicable, be given in the Payment Schedules, and in the certificates of Chief Clerks and Taxing officers to be acted upon by the Paymaster.

Rule 62 is supplemented by a provision that when a person, dying intestate, the total assets of whose estate do not exceed 100*l.*, was at the time of his death entitled to a payment, and when no administration has been taken out to the estate of such person, payment may be made to certain of the next of kin of such person upon a declaration in a prescribed form.

Supreme Court Funds Rules.

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Supreme Court Funds Rules.

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SUPREME COURT FUNDS RULES, 1886.

I, the Right Honourable Farrer, Baron Herschell, Lord High Chancellor of Great Britain, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, do hereby, in pursuance of the powers contained in "The Court of Chancery Funds Act, 1872," "The Supreme Court of Judicature Act, 1875," "The Supreme Court of Judicature (Funds, &c.) Act, 1888," and of every other power enabling me in that behalf, make the following Rules:—

I. OPERATION OF RULES AND INTERPRETATION OF TERMS.

1. These Rules shall come into operation on the 1st day of September, 1886, and may be cited as "The Supreme Court Funds Rules, 1886."

2. All other Rules or General Orders prescribing the mode of dealing with funds in Court, and containing any provisions relating to funds in Court inconsistent with these Rules, are hereby revoked and these rules substituted therefor, as from the same day:—Provided that the Rules hereby revoked shall continue to apply to Orders made but not fully acted upon before these Rules come into operation, so far as is indispensable for the purpose of duly giving effect to such Orders.

3. In these Rules and in Orders as herein prescribed and defined terms shall have the same meaning as the same terms are defined to have in the Rules of the Supreme Court, 1888, and the following words shall have the several meanings hereby assigned to them, viz.:—

"Paymaster" means Her Majesty's Paymaster General for the time being for and on behalf of the Supreme Court of Judicature, or the Assistant Paymaster General for Supreme Court business for the time being deputed by the Paymaster General to act on his behalf for such business:

"Pay Office" means the Paymaster General's Office for business of the Supreme Court of Judicature:

"Pay Office Account" means the account of the Paymaster General for the time being for and on behalf of the Supreme Court of Judicature:

"Audit Office" means the Office of the Comptroller and Auditor General in which the audit of the accounts of the Pay Office is conducted:

"Bank" means the Bank of England, or the Governor and Company of the Bank of England:

"Company" includes corporation or body corporate:

"Person" includes a firm:

"Government securities" means Consolidated 3*l.* per centum Annuities, or Reduced 3*l.* per centum Annuities, or New 3*l.* per centum Annuities, or 2½*l.* per centum Annuities:

"Funds" or "funds in Court" means any money, Government stock or annuities, or other securities, or any part thereof standing or to be placed to the Pay Office Account in the books of the Bank of England or of any other Company, and includes boxes and other effects:

"Lodge in Court" means pay or transfer into Court, or deposit in Court:

"Lodgment in Court" means payment or transfer into Court, or deposit in Court:

"Title of the cause or matter" means the short title of the cause or matter, with the reference to the Record.

"Ledger credit" means the title of the cause or matter and the separate account (if any) opened or to be opened under an Order or otherwise, in the books of the Paymaster, to which any funds are credited or to be credited.

"Order" means an Order of the Supreme Court of Judicature or the High Court of Justice or Court of Appeal, whether made in Court or in Chambers, and an Order in Lunacy, and includes a judgment or decree, and a report of a Master in Lunacy, confirmed by fiat, and thereby receiving the operation of an Order under the Lunacy Regulation Acts for the time being in force, or any general Order made thereunder; and a certificate of a Master in Lunacy to be acted on without further Order; and includes the Schedule or Schedules to an Order:

"Direction" means any cheque, draft, or authority issued to the Bank of England, or to any other Company, which relates to money or securities standing or to be placed to the Pay Office Account; and includes any authority for the payment of money through the agency of the Post Office:

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"Court" means the Supreme Court of Judicature or the High Court of Justice or any Division thereof, or the Court of Appeal:

"Registrar" means a Registrar of the Chancery or of the Probate, Divorce, and Admiralty Divisions of the High Court of Justice; and includes the officer whose duty it may be under any General Orders in Lunacy for the time being in force to draw up and issue Orders in Lunacy:

"Chief Clerk's certificate" or "certificate of a Chief Clerk" means a certificate made by a Chief Clerk of the Chancery Division of the Court:

"Taxing officer" means a Taxing Master in the Chancery Division of the Court, and the Master or person whose duty it is to tax the costs in the other Divisions or in Lunacy:

"National Debt Commissioners" means the Commissioners for the reduction of the National Debt:

"Statutory declaration" means a declaration under the Statutory Declarations Act, 1835 (5 & 6 Will. 4. c. 62) subject to the provisions of 44 & 45 Vict. c. 41, s. 68:

In causes and matters proceeding in a District Registry, Master, Chief Clerk, and Taxing officer means District Registrar:

Words importing the singular number only include the plural number, and words importing the plural number only include the singular number:

Words importing males include females.

II. PREPARATION OF ORDERS IN THE CHANCERY DIVISION AND IN LUNACY TO BE ACTED UPON BY THE PAYMASTER, AND PARTICULARS RELATING THERETO.

4. The Rules next following, numbered severally 5 to 27 inclusive, shall apply only to causes and matters in the Chancery Division, and (so far as the same are applicable) to matters in Lunacy.

5. Every Order which directs funds to be lodged in Court, shall have annexed thereto as part thereof a Schedule, to be styled the Lodgment Schedule, which shall be headed with the title of the cause or matter, the date of the Order, and the title of the ledger credit to which the funds are to be placed: and shall set out in a tabular form:—

(a.) The name, or a sufficiently identifying description of the person by whom the funds are to be lodged:

(b.) The amount, if ascertained, and the description of the funds.

When an Order has directed the sale of any property and the lodgment of the proceeds thereof in Court, the authority for such lodgment may be a Lodgment Schedule signed by a Chief Clerk; and such Lodgment Schedule shall operate in the same manner as a Lodgment Schedule annexed to an Order.

The Lodgment Schedule shall be prepared upon a printed form according to the Form No. 1 in the Appendix to these Rules, and as nearly as may be in the manner shewn by the specimen entries appended to such Form; and may direct the investment and accumulation of the funds or the dividends or interest on the funds to be lodged; and may also direct that the funds shall not be dealt with without notice to the purchaser or other person named in such Schedule.

6. Every Order which directs funds in Court to be paid, sold, transferred, or delivered, or carried over to any other ledger credit than that to which the same are standing, or to be otherwise dealt with by the Paymaster, shall have annexed thereto as part thereof a Schedule to be styled the Payment Schedule, which shall be headed with the title of the cause or matter, the date of the Order, and the ledger credit to which the funds dealt with are standing. The Payment Schedule shall contain as part of the heading a statement of the funds with which, or with part of which, or with the interest or dividends on which, the Paymaster is to deal, describing them if already in Court as they appear in the Paymaster's certificate, or if not already in Court stating the source from which they are to be derived. The Payment Schedule shall set out in a tabular form:—

(a.) The name of each person to whom a payment, transfer, or delivery of any funds is to be made: unless the name is to be stated in a certificate of a Chief Clerk or a Master in Lunacy or a Taxing officer, or unless such payment, transfer, or delivery is to be made to trustees or other persons in succession, or to representatives when no probate or letters of administration shall have been taken out at the date of the Order. The name shall be in full (the christian name preceding the surname) except in the case of a payment to a firm, when the business title of such firm may be stated; and when a

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payment is to be made to a person named in the Schedule, the address (if known at the time of preparing the Schedule) of such person, or in the case of a payment to two or more persons jointly of one of such persons, shall be stated in the Schedule :

- (b.) The title of the ledger credit or separate account to which any funds are to be carried over :
- (c.) The amount and description of the funds in each case to be paid, sold, transferred, delivered, or carried over, so far as the same can be then stated ; and where the actual amounts to be dealt with cannot be ascertained at the date of the Order, and are not to be subsequently ascertained by any means provided for by the Order or by these Rules, the aliquot parts to be dealt with :
- (d.) The nature and necessary particulars of ~~any~~ other dealings with such funds by the Paymaster.

In the body of the Schedule short descriptions may be used, and it shall not be necessary to add that the specific amounts dealt with form part of the larger amount of any like funds mentioned in the heading. The word "interest" in the Schedule shall, unless otherwise specified, mean the dividends and interest on all the funds mentioned in the heading.

The Payment Schedule shall be prepared upon a printed form according to the Form No. 2 in the Appendix to these Rules, and as nearly as may be in the manner shewn by the specimen entries appended to such Form.

7. When funds in Court are by an Order directed to be carried over to a separate account, the title of the ledger credit to be opened for the purpose shall, unless the Order otherwise directs, commence with the title of the cause or matter to which such funds are standing.

8. Every Order which both directs or authorises the lodgment of funds in Court and also deals with such funds or any part thereof, or with any funds already in Court to the same ledger credit, shall have annexed thereto as part thereof a combined Lodgment and Payment Schedule, in the Form No. 3 in the Appendix to these Rules.

9. When funds to be lodged in Court under an Order are by the same Order directed to be placed to two or more ledger credits, separate Lodgment Schedules shall be made out for such respective ledger credits ; and when funds standing to two or more ledger credits are dealt with by the same Order, separate Payment Schedules shall be made out for such ledger credits respectively.

10. The Lodgment and Payment Schedules, respectively, shall contain the whole of the instructions intended by the Orders of which they severally form part to be acted upon by the Paymaster, and all particulars necessary to be known by him, so far as such instructions and particulars are capable of being expressed at the date of the Order, and the Paymaster shall only be responsible for giving effect to such instructions so intended to be given by the Order as are expressed in the Lodgment or Payment Schedule thereto. The instructions and particulars contained in a Lodgment or Payment Schedule shall not be set forth in the body of the Order, but shall only be therein referred to as appearing by the Schedule, unless for any special cause it shall, in the opinion of the Judge by whom the Order is made, or the Registrar by whom the same is drawn up, be necessary to set forth some part of such instructions or particulars both in the body of the Order and in the Schedule.

11. When an Order directs any sums to be ascertained by the certificate of a Chief Clerk or Taxing officer, or a Master in Lunacy, or in any other manner, and to be afterwards dealt with by the Paymaster, it shall be so expressed in the Payment Schedule ; and such certificate or other authority, or a duplicate or an office copy of the same, or of so much thereof as shall be necessary, shall be sent to the Paymaster. Such certificate shall be printed or partly printed, and as nearly as may be in the Form No. 4 appended to these Rules.

12. When an Order directs payment out of a fund in Court of any costs directed to be taxed by a Taxing officer, the Taxing officer shall state in his certificate the name and address of the person to whom such costs are payable. Such certificate shall be printed, or partly printed, and as nearly as may be in the Form No. 5 appended to these Rules, and a duplicate or an office copy thereof shall be sent to the Paymaster.

13. When interest not directed to be certified is payable in respect of any money in Court directed by an Order to be dealt with by the Paymaster, there shall be stated in the Payment Schedule the rate per centum at which, and (if the day to which interest is payable can be fixed by the Order) the day (inclusive) to which such interest is to be computed, and the amount of such interest.

14. If the day to which interest is payable cannot be fixed by the Order, the day from which (exclusive) such interest is to be computed shall (except in the case of a computation of subsequent interest in the certificate of a Chief Clerk, or a Master in Lunacy) be stated in the Payment Schedule, and such interest may be directed to be computed and certified by a

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Chief Clerk, or a Master in Lunacy, or (where the computation is dependent upon the taxation of costs) by a Taxing officer.

15. Interest certified by a Chief Clerk, or a Master in Lunacy, or a Taxing officer, may, unless the Order otherwise directs, be computed to a day subsequent to the date of the certificate and to be named therein as the day for payment, so as to allow a reasonable time for doing all necessary acts to enable the payment to be made; and the Chief Clerk, or Master in Lunacy, or Taxing officer, may, if he thinks fit, require a statement in writing of such computation, authenticated by the signature of the solicitor of the person having the carriage of the Order, to be produced before preparing the certificate, but no affidavit verifying such computation shall be required.

16. When the day for payment is not fixed by the Order, and the interest is not directed to be certified as in the last preceding Rule mentioned, such interest shall, without any provision in the Order for that purpose, be ascertained by an affidavit, or by a statutory declaration, in which case such interest shall be computed to a day (inclusive) to be named in such affidavit or declaration, as the day for payment; which day shall not be more than 14 days after the day of swearing of such affidavit, or making such declaration; and such affidavit or declaration shall be a sufficient authority to the Paymaster to pay or apply the amount of interest so ascertained in the manner directed by such Order.

17. In every case in which interest is to be computed, income tax (if any) shall, in making such computation, be deducted therefrom at the rate payable during the time such interest accrues, unless the Order otherwise directs; and if income tax has been deducted, it shall be so stated in every such affidavit or declaration as is mentioned in the last preceding Rule.

18. Whenever the dealing by the Paymaster with funds in Court is, by an Order, made contingent upon the execution of some document, it shall be so expressed in the Payment Schedule. The execution of such document shall be certified by a Master in Lunacy, or by a Chief Clerk, unless the Order directs that it be verified by affidavit, and such certificate or affidavit shall state the particular amount of funds to be dealt with. Such certificate shall be printed, or partly printed, and as nearly as may be in the Form No. 6 appended to these Rules.

19. When an Order directs the payment of dividends, annuities, or other periodical payments to be made by the Paymaster, there shall be stated in the Payment Schedule (except in the case of dividends payable as they accrue due), the time when the first of such payments and all subsequent periodical payments, whether quarterly, half-yearly, yearly, or otherwise, are to be made.

20. When an Order directs the payment, transfer, or delivery of funds in Court, in respect of which duty shall be payable to the revenue under the Acts relating to legacy or succession duty, and does not direct the payment of such duty, it shall be stated in the Payment Schedule that such payment, transfer, or delivery is subject to duty, and in such case the Paymaster is to have regard to the circumstance that such duty is payable; and when by an Order funds in respect of which such duty may be chargeable are directed to be invested, carried over, or placed to a separate account, the words "subject to duty" shall be added in the Schedule to the separate account directed to be opened.

21. When a person to whom payment, transfer, or delivery of funds in Court is directed is entitled thereto as real estate, or as trustee, executor, or administrator, or otherwise than in his own right or for his own use, the fact that he is entitled to the same as real estate, or the character in which he is so entitled, shall be stated in the Payment Schedule to the Order, or in the certificate of a Chief Clerk, or of a Taxing officer, or of a Master in Lunacy.

22. When an Order is made dealing in any way with funds in Court or to be brought into Court in accordance with minutes agreed upon by the parties, the solicitor of the party whose duty it is to procure the Order to be drawn up and entered shall prepare and lodge with the Registrar or other proper officer, for his consideration, draft Lodgment and Payment Schedules, as the case may be, in the same form as the Lodgment and Payment Schedules to an Order, and containing the particulars, so far as the same have been ascertained, which are required by these Rules to be contained in the Lodgment and Payment Schedules of the Order.

23. Every Order which is to be acted upon by the Paymaster shall be drawn up and entered by the Registrar, unless the Judge otherwise directs, and shall either be wholly printed, or, in cases in which printed forms can be used, may be partly in print and partly in writing.

24. The Registrar shall cause a duplicate of every printed or partly printed Order and a further copy of the Schedules thereto to be made at the same time with the original; and the original Order shall be passed by the Registrar in the usual way, and together with the

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further copy of the Schedules thereto be stamped with his official seal on every leaf thereof, and transmitted by him to the Clerks of Entries with the duplicate. The duplicate Order shall be retained and filed by the Clerks of Entries as the record, and the original Order and further copy of the Schedules shall be examined and stamped by them and marked with a reference thereon to the duplicate or record so filed. The original Order and further copy of the Schedules shall be returned to the Registrar, who shall deliver the original Order to the solicitor having the carriage of the Order, and shall send the further copy of the Schedules to the Paymaster.

A copy of a Lodgment Schedule signed by a Chief Clerk (under Rule 5 of these Rules) shall be sent to the Paymaster by the Chief Clerk.

25. The copy of the Schedules to an Order sent to the Paymaster pursuant to the last preceding Rule shall be the Paymaster's authority for giving effect to the several operations directed therein. No part of the Order other than the Schedules thereto shall be sent to the Paymaster.

26. Additional printed copies of Orders or Schedules may be made according to the requirements of the parties or their solicitors, and when such Orders have been passed and entered, such additional copies shall be transmitted to the Central Office, and upon being duly completed and signed or certified by the proper officer, may be issued as office or certified copies.

27. Clerical mistakes or errors, or accidental omissions in printed Orders, may be amended in writing; and every such amendment shall be stamped by the Clerks of Entries or other proper officer, with the official seal, as evidence that the duplicate or record has been also amended: Provided that no amendment shall be made in any Order to provide for a new state of circumstances arising after the date of the Order; nor shall any Order be amended for the purpose of extending the time thereby limited for making any lodgment of funds in Court.

When any such amendment is made in a Schedule to an order, the copy of such Schedule to be sent to the Pay Office under Rule 24 (if not already so sent) shall be amended and stamped in the manner above provided. If such copy has prior to the amendment been sent to the Pay Office, a notification of the amendment, signed by a Registrar, shall be delivered to the solicitor having the carriage of the order, who shall leave such notification at the Pay Office, and produce therewith the amended original Order; and the Paymaster shall note such amendment on his copy of the Schedule and act in accordance therewith.

III.—FORM OF ORDERS FOR THE PAYMENT OF MONEY IN THE QUEEN'S BENCH AND PROBATE, DIVORCE, AND ADMIRALTY DIVISIONS.

28. In the Queen's Bench and Probate, Divorce, and Admiralty Divisions an Order for the payment of money to be acted upon by the Paymaster shall be in the Form No. 7 in the Appendix to these Rules, or as nearly as may be, and shall be signed by a Master or a Registrar as the case may be.

IV. LODGMET OF FUNDS IN COURT.

29. All funds to be paid into or deposited in Court shall be paid or deposited at the Bank of England (Law Courts Branch) and placed in the books of the Bank to the account of the Paymaster General for the time being for and on behalf of the Supreme Court of Judicature; and the Bank shall cause a receipt to be given to the person making the payment or deposit.

All securities to be transferred into Court shall be transferred to the said account in the books of the Bank or other company in whose books such securities are registered.

Any effects brought to the Bank to be deposited in Court shall be deposited in locked boxes, or in such other secure manner as shall satisfy the Bank; and before taking custody of a box the Agent, or other officer acting on behalf of the Bank, may at his discretion require an inspection of its contents in presence of the person depositing it.

30. In the Chancery Division a direction for a lodgment directed by an Order, or in a Lodgment Schedule signed by a Chief Clerk (in the case of purchase moneys), shall be issued by the Paymaster upon receipt of a copy of the Lodgment Schedule: and a direction for a lodgment under the Trustee Relief Act shall be issued by him upon receipt of an office copy of the Schedule mentioned in Rule 41.

A lodgment of funds in Court not directed by an Order may be made upon a direction to the Bank or other Company, to be issued by the Paymaster on a request signed by or on behalf of the person desiring to make such lodgment: Provided that no such lodgment shall be placed in the Pay Office books to a separate account in a cause or matter (except to a security for costs account) unless an Order has directed such separate account to be opened.

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The request for a direction under this Rule shall state the name of the person by or on whose behalf the funds are to be lodged, the ledger credit in the Pay Office books to which the funds are to be placed, and the date of the authority or certificate (if any) in pursuance of which the funds are to be lodged.

In cases of funds to be lodged in pursuance of the Lands Clauses Consolidation Act, 1845, or of the Copyhold Acts, the further particulars required under Rules 39 and 40 shall be stated in the request. And when (otherwise than as hereinbefore provided) funds are lodged in Court in pursuance of an Act of Parliament, under which some specific authority is necessary for such lodgment, the request for a direction for lodgment shall contain a reference to such Act and authority, and the requisite authority shall be left at the Pay Office.

Except in the cases next mentioned, the requests under this Rule shall be in the Forms No. 8 (for money) and No. 9 (for securities), in the Appendix to these Rules.

When money is to be lodged under the provisions of Order XXII. of the Rules of the Supreme Court, 1883 (in any action brought to recover a debt or damages), or under the provisions of Rule 26 of Order XXXI. of the said Rules, the request shall be in the Form No. 10 in the Appendix to these Rules, and shall contain a statement of the circumstances under which the money is to be lodged, in such of the following terms as may be applicable to the case, viz. :—

- (A.) When the money is to be lodged subject to the provisions of Rule 5 of Order XXII., a statement in the following terms :—“ Paid in on behalf of defendant in satisfaction of claim of above-named [name of party],” (or “ with defence setting up tender ”).
- (B.) When the money is to be lodged subject to the provisions of Rule 6 of Order XXII., a statement in the following terms :—“ Paid in on behalf of defendant against claim of above-named [name of party], with defence denying liability.”
- (C.) When the money is to be lodged under the provisions of Rule 26 of Order XXXI., a statement in the following terms :—“ Paid in to security for costs account on behalf of [name of party].”

31. When it is desired to bring money into Court in the Chancery Division, whether under an Order or otherwise, without waiting the time necessary to obtain a direction for the Bank to receive such money, it may be lodged at the Bank to the credit of a Supreme Court Suspense Account (subject to being dealt with as hereinafter mentioned, and not otherwise), upon an application signed by the person desiring to lodge the same, or his solicitor, and addressed to the Bank, specifying the amount, and the title of the ledger credit to which it is desired to be lodged, and upon such lodgment being made one of the cashiers of the Bank shall give a certificate that the amount has been lodged to the credit of the said Suspense Account; and in every case the person making such lodgment, or his solicitor, shall forthwith request the direction of the Paymaster for the Bank to receive the money in the manner provided by the last preceding Rule, and shall leave such direction at the Bank for the purpose of having the money so previously lodged transferred to the Pay Office Account, and placed in the books of the Pay Office to the ledger credit mentioned in such direction.

32. In the Queen's Bench Division a lodgment of money to the account of the Paymaster shall be made on presentation at the Bank (Law Courts Branch) of a request signed by or on behalf of the person desiring to make such lodgment. Such request for lodgment shall be in the Form No. 11 in the Appendix to these Rules, or as nearly as may be, and shall specify the title of the cause or matter to the credit of which the lodgment is to be placed, and shall also contain a statement of the circumstances under which the money is lodged, in such of the following terms as may be applicable to the case, viz. :—

- (A.) When the money is to be lodged subject to Rule 5 of Order XXII. of the Rules of the Supreme Court, 1883, a statement in the following terms :—“ Paid in on behalf of defendant in satisfaction of claim of above-named ” [name of party], (or “ with defence setting up tender ”).
- (B.) When the money is to be lodged subject to Rule 6 of Order XXII. of the Rules of the Supreme Court, 1883, a statement in the following terms :—“ Paid in on behalf of defendant against claim of above-named ” [name of party] “ with defence denying liability.”
- (C.) When the money is to be lodged under Rule 26 of Order XXXI. of the Rules of the Supreme Court, 1883, a statement in the following terms : “ Paid in to security for costs account on behalf of [name of party].”
- (D.) When the money is to be lodged in pursuance of an Order, or otherwise than as above specified, a statement of the nature and date of the authority under which the lodgment is made, as for instance :—“ Paid in under Order dated the day of 18 :” or “ Paid in on notice of appeal [in Bankruptcy], dated the day of 18 .”

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If the lodgment is made upon a notice or pleading, such notice or pleading must be produced at the Bank, and the receipt for the lodgment shall be given thereon; and if the lodgment is made in pursuance of an Order, such Order, or an office copy thereof, must be produced at the Bank by the person making the lodgment.

A lodgment of funds other than money shall be made upon a direction to be issued by the Paymaster upon receipt of a copy of the Order directing such lodgment.

83. In every case of a lodgment in the Chancery and Queen's Bench Divisions under the provisions of the said Orders XXII. and XXXI., as provided in the preceding Rules 80 and 82, the Paymaster shall cause an entry to be made in his books indicating the circumstances under which the money is stated to be lodged.

84. In the Probate, Divorce, and Admiralty Division a lodgment of funds to the account of the Paymaster shall be made upon presentation at the Bank (Law Courts Branch) of an authority signed by or on behalf of a Registrar. Such authority shall be issued upon a request signed by or on behalf of the person desiring to make such lodgment. The request shall specify the title of the cause or matter (which in Admiralty actions shall include the name of the ship), and any particulars of the lodgment which may be necessary, and shall be in the Form No. 12 in the Appendix to these Rules.

When the receipt of funds authorised to be lodged as above has been certified to the Paymaster by the Bank, the Paymaster shall cause a notification of the lodgment to be sent to the Registrar by whom or on whose behalf such lodgment was authorised.

85. A request or authority for the issue by the Paymaster of a direction for the lodgment of funds in Court may be sent to the Paymaster by post, and, if so desired by the person sending the same, the Paymaster shall send such direction by post to the address specified by such person.

86. A person directed by an Order in the Chancery Division to make a lodgment in Court shall be at liberty to make the same without further Order, notwithstanding the Order may not have been served, or the time thereby limited for making such lodgment may have expired; and if any further sum of money has by reason of such default become payable by such person for interest, or in respect of dividends, he shall be at liberty to lodge in Court such further sum upon a request as hereinbefore provided: Provided that any such subsequent lodgment shall not affect or prejudice any liability, process, or other consequences which such person may have become subject to by reason of his default in making the same within the time so limited.

87. When funds have been received by the Bank and when securities have been transferred in the books of the Bank or any other Company to the Pay Office Account in accordance with a direction, the Bank or other Company shall forthwith send such direction to the Paymaster, with a certificate thereon that the funds specified have been received or transferred as therein authorised, and (in the case of such other Company) shall therewith send the stock or share certificate (if any) of the securities so transferred.

88. In the Chancery Division, when any direction or other authority for the lodgment of funds in Court is returned to the Pay Office, with a certificate thereon that the funds therein mentioned have been lodged, the Paymaster shall file at the Central Office a certificate of such lodgment, and shall therein state the ledger credit to which such funds have been placed in the books at the Pay Office; and an office copy of such certificate of the Paymaster shall be received as evidence of the lodgment.

89. Money lodged in Court in the Chancery Division pursuant to the 69th section of the Lands Clauses Consolidation Act, 1845, in respect of lands in England or Wales, shall be placed in the books at the Pay Office to the credit of *Ex parte* the promoters of the undertaking, in the matter of the special Act (citing it), and some words shall be added in each case briefly expressive of the nature of the disability to sell and convey, by reason of which the money shall be so paid in, which particulars shall be stated in the request for the direction for the lodgment.

40. Money lodged in Court in the Chancery Division pursuant to the Copyhold Acts shall be placed in the books at the Pay Office to the credit of "*Ex parte* the Land Commissioners for England," and of the particular manor in respect of which the money shall be so paid in; and in the request for a direction for the lodgment the name and locality of such particular shall be stated.

41. When a trustee or other person desires to lodge funds in Court in the Chancery Division under the Act 10 & 11 Vict. c. 96, he shall annex to the affidavit to be filed by him pursuant to the said Act a Schedule in the same printed form as the Lodgment Schedule to an Order, setting forth:—

(a.) His own name and address:

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- (b.) The amount and description of the funds proposed to be lodged in Court :
- (c.) The ledger credit in the matter of the particular trust to which the funds are to be placed :
- (d.) A statement whether legacy or succession duty (if chargeable) or any part thereof has or has not been paid :
- (e.) A statement whether the money or the dividends on the securities so to be lodged in Court, and all accumulations of dividends thereon, are desired to be invested in any and what description of Government securities, or whether it is deemed unnecessary so to invest the same.

An office copy of such Schedule is to be left with the Paymaster.

42. Any principal money or dividends received by the Bank in respect of securities standing to the Pay Office Account shall be placed in the books at the Pay Office, in the case of principal money to the credit to which the securities whereon such money arose were standing at the time of the receipt thereof, and in the case of dividends to the credit to which the securities whereon such dividends accrued were standing at the time of the closing of the transfer books of such securities previously to the dividends becoming due.

V. APPROPRIATION IN THE QUEEN'S BENCH DIVISION OF MONEY LODGED UNDER ORDER XIV.

43. In the Queen's Bench Division, when a defendant has lodged money in Court under Order XIV. of the Rules of the Supreme Court, 1883, as a condition of liberty to defend, and desires to appropriate the whole or any part of such money to the whole or any specified portion of the plaintiff's claim pursuant to Rule 11 of Order XXII. of the said Rules, he or his solicitor shall leave at the Pay Office a notice of such appropriation in the Form No. 13 in the Appendix to these Rules, specifying the title of the cause or matter to the credit of which the money is standing, the date of the Order under which the money was lodged in Court, and the amount to be appropriated ; and whether so appropriated, (A) in satisfaction of a claim, or (B) against a claim, with a defence denying liability ; and thereupon, for the purposes of payment out of Court, the money mentioned in the notice shall be subject to the next following Rule. The person leaving such notice must produce therewith the original receipt of the Bank for the amount lodged.

VI. PAYMENT, DELIVERY, AND TRANSFER OF FUNDS OUT OF COURT, AND OTHER DEALINGS WITH FUNDS.

44. In the Chancery and Queen's Bench Divisions, when money has been lodged under Orders XXII. and XXXI. of the Rules of the Supreme Court, 1883 (as described in Rules 30 and 32 of these Rules), and when and so far as money lodged under Order XIV. of the said Rules of the Supreme Court has been appropriated in the manner provided in the last preceding Rule, payment of the money shall be made to the person in satisfaction of whose claim it has been lodged, or to the person otherwise entitled thereto, or, on the written authority of either such person respectively, to his solicitor, as under :—unless an Order restraining such payment has been lodged at the Pay Office prior to the issue of the Paymaster's direction for payment.

- (A.) When the money has been lodged or appropriated in satisfaction of a claim (or with defence setting up tender), under Rules 30 (A.) and 32 (A.) of these Rules, or the last preceding Rule, a direction for payment shall be issued by the Paymaster upon a request or authority in the Form No. 14 (A.) in the Appendix to these rules, or as nearly as may be.
- (B.) When the money has been lodged or appropriated against a claim, with a defence denying liability, under Rules 30 (B.) and 32 (B.) of these Rules, or the last preceding Rule, a direction for payment shall be issued by the Paymaster upon receipt of a notification that the plaintiff accepts the sum lodged in satisfaction, and that due notice has been given of such acceptance, and upon a request or authority for payment of the same ; such notification and request or authority to be in the Form No. 14 (B.) in the Appendix to these Rules, or as nearly as may be.
- (C.) When the money has been lodged to a Security for Costs Account under Rules 30 (C.) and 32 (C.) of these Rules, a direction for payment shall be issued by the Paymaster upon receipt of a certificate of a Taxing officer, Master, or Chief Clerk (as the case may be) as to the person who is entitled to have paid out to him the money so lodged ; such certificate to be printed, or partly printed, and as nearly as may be in the Form No. 14 (C.) appended to these Rules.

When a request is made for payment of money lodged in the Chancery and Queen's

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Bench Divisions on a notice or pleading, the original receipted notice or pleading must, whenever so required, be produced at the Pay Office.

In the Probate, Divorce, and Admiralty Division when money has been lodged to a security for costs account, under the provisions of Rule 26 of Order XXXI. of the Rules of the Supreme Court, 1883, a direction for payment shall be issued by the Paymaster upon receipt of a certificate or other authority of a Registrar as to the person entitled to payment of the money so lodged.

Except as in this Rule is provided, the money so lodged or appropriated as mentioned herein, shall only be paid out in pursuance of an Order.

45. Except as provided in the last preceding Rule, and subject to the provisions contained in Rules 55, 56, 57, 70, 73, 74, and 109, funds in Court shall not be paid, delivered, or transferred out of Court, nor invested, sold, or carried over, unless in pursuance of an Order, or in the case of an investment of money or application of dividends unless in pursuance of an authority contained in a certificate of a Master in Lunacy.

46. A duly authenticated copy of every Order in the Queen's Bench and Probate, Divorce, and Admiralty Divisions which directs funds to be dealt with, shall be left at the Pay Office, by or on behalf of the person entitled to payment or interested in any other dealings with such funds directed or authorised by the Order, and shall be the Paymaster's authority for the issue of directions giving effect to such Orders.

47. The directions of the Paymaster for the payment of money under these Rules, and for the delivery of securities out of Court in pursuance of an Order, shall be prepared by the Paymaster forthwith, or from time to time, upon receipt of a copy of the Order and any further necessary authority or information; and except as provided in the next following Rule such directions shall be delivered upon the personal application of the persons entitled thereto.

Investments of money, transfers of securities out of Court, and carrying over of funds, in pursuance of an Order, shall be made by the Paymaster upon receipt of the necessary authority and information.

Sales of securities in pursuance of an Order of which a copy has been received in the Pay Office, shall be made by the Paymaster upon application by or on behalf of the persons interested therein, and such application may be sent by post.

48. Subject to the conditions as to limitation of amount and otherwise in this Rule mentioned, and to any variation of such conditions which the Treasury may from time to time direct, persons entitled to payment of money may receive from the Paymaster, by post a direction or other document by which payment may be obtained:—

- (a.) When money, not exceeding a sum of 1,000*l.* (other than a periodical payment hereunder in this Rule mentioned) is payable to a person having an account at a bank in the United Kingdom, whose name and address are stated in the Order or other authority under which the money is payable, or in a certificate of a Chief Clerk, or of a Taxing officer, or of a Master in Lunacy, to be acted upon by the Paymaster, or whose address, in the case of a payment under an Order in the Chancery Division, is certified to the Paymaster by a solicitor having carriage of the Order which authorises the payment, the Paymaster shall remit the same by post to such person to the address so stated, upon receipt of a request to that effect in the prescribed form, in which is specified the name of the bank at which the money is to be placed to the account of such person. The Paymaster's direction for payment will be payable to the order of such person; it will be specially crossed to his account at the named bank and will not be negotiable.
- (b.) When money, not exceeding a sum of 500*l.* (other than a periodical payment hereunder in this Rule mentioned), is payable to a person residing within the United Kingdom, who has not an account at a bank, or whose address is not ascertained by the Paymaster in the manner above prescribed, the Paymaster shall remit the same by post to such person upon receipt of a request to that effect in the prescribed form, signed by such person and attested by a justice of the peace, or a commissioner to administer oaths, or a clerk in holy orders, or a notary public. The Paymaster's direction for payment will be sent to the address stated in the request, and will be crossed so as to be payable only through a banker.
- (c.) When money, not exceeding a sum of 10*l.* (other than a periodical payment hereunder in this Rule mentioned), is payable to a person residing within the United Kingdom, whose name and address are stated in an Order under which the money is payable, or in a certificate of a Chief Clerk, or of a Taxing officer, or of a Master in Lunacy, to be acted upon by the Paymaster, or whose address, in the case of a payment

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under an Order in the Chancery Division, is certified to the Paymaster by the solicitor having carriage of the Order, the Paymaster upon the written request of such person (without attestation) may remit the amount by post to such person at the address so ascertained. The direction for payment will be crossed so as to be payable only through a banker.

- (d.) Any person residing within the United Kingdom, entitled under an Order to any dividend, annuity, or other periodical payment, may send to the Paymaster a request, in the prescribed form, for the remittance of the same by post from time to time as it accrues due, such request to be signed by such person and attested in the manner required in the preceding part of this Rule (b), and the Paymaster shall thenceforward, as such periodical payment falls due (and upon receipt of evidence of life or of the fulfilment of any conditions of payment as referred to in Rule 95), remit the same by post to the address stated in the request. The Paymaster's direction will be crossed so as to be payable only through a banker.

Provided that the Paymaster may refuse to make a remittance under this Rule in any case in which he sees reason for so doing, and provided also that the transmission by post upon a request of any crossed direction or other document for obtaining payment shall be at the sole risk of the person at whose request it is sent.

Requests and solicitors' certificates of addresses under this Rule and notifications of changes of addresses of persons entitled to periodical payments, shall be in such form as may from time to time be prescribed by or with the approval of the Treasury.

49. The directions of the Paymaster issued under these Rules (signed and countersigned by such officers as may be prescribed or approved by the Treasury, under Rule 107) shall be sufficient authority to the Bank for the payment of the money specified in any such directions, and shall be the necessary and sufficient evidence of an Order of the Court to authorise the Bank or other Company to transfer, on sale or otherwise, or to deliver, any securities or boxes or other effects standing to the Pay Office Account which may be specified in any such directions.

50. A direction or other document by which payment of money is effected, when indorsed or signed by the payee or his lawful attorney, shall be a good discharge to the Paymaster for the amount therein expressed.

51. When money is by an Order in the Queen's Bench Division directed to be paid to a person therein named, or, on his authority, to a solicitor or other person, the signature to the authority must be attested by a witness, whose residence and description must be added to his attestation.

52. When money in Court or any sum payable thereout is by an Order directed to be paid to any public officer or department or to the official liquidator of any Company, or any other official persons for whom an account is kept at the Bank, payment thereof shall, on a requisition to that effect, be made by a direction to the Bank to transfer the amount of such payment to the account at the Bank of such public officer or official person accordingly. When any duty is directed to be paid out of funds in Court, such duty shall, without any words in the Order to that effect, be assessed, and on a requisition made by or on behalf of the Commissioners of Inland Revenue be transferred to the proper account at the Bank.

53. When money in Court is invested by purchase, the payment for such investment, which (unless otherwise ordered) shall include brokerage, shall be made conditionally upon the transfer or deposit to the Pay Office Account of the securities purchased. And when securities in Court are sold, the transfer or delivery of such securities shall be conditional upon the payment to the Pay Office Account of the proceeds of such sale, after deduction (unless otherwise ordered) of brokerage.

Provided that the Bank shall not be answerable for any default of the Broker of the Supreme Court in respect of such transfer to the Pay Office Account of securities purchased, or of such payment to the Pay Office Account of the proceeds of securities sold.

54. Upon an investment of money in Court, or the sale of securities in Court, the securities purchased by such investment or the money realised by such sale respectively, shall in every case be placed to the credit to which the money invested or the securities sold previously stood, unless, in the case of an investment, otherwise specially ordered.

55. When securities in Court are directed to be transferred, delivered out, or carried over, dividends accruing thereon subsequently to the date of the Order directing the transfer, delivery, or carrying over (when the amount of the securities to be transferred, delivered, or carried over is specified in such Order, or if not so specified then subsequently to the time when the amount of such securities shall be ascertained), shall be paid to the persons to whom or carried over to the credit to which the securities are to be transferred, delivered, or carried

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over, unless such Order otherwise directs. When securities in Court are directed to be realised, and the whole of the proceeds paid out or carried over in one sum, or in aliquot parts (except when the realisation is to raise a specific sum of money), any dividends accruing on such securities subsequent to the date of the Order directing the realisation (if the amount of such securities is specified in the Order, or if not so specified, then subsequently to the time when such amount shall be ascertained) shall be added to such proceeds, and applied in like manner therewith, unless such Order otherwise directs.

56. When such dividends as in the last preceding Rule mentioned have pursuant to a general or other previous Order been invested, the securities purchased with such dividends shall, unless otherwise directed, be transferred or delivered, and any dividends accrued in respect thereof be paid, to the persons to whom or carried over to the credit to which such first-mentioned dividends would if uninvested have been paid or carried over.

57. In every case (other than that provided for by the last preceding Rule), when by an Order money or dividends are directed to be dealt with so that the same ought not to be invested, and subsequently to the date of such Order such money or dividends or any part thereof shall have been invested, the securities purchased with such money or dividends shall, unless otherwise directed, be sold, and the proceeds of such sale and any dividends accrued in respect of such securities shall be applied in the same manner as the money or dividends so invested would have been applied under such Order, if they had not been so invested.

58. When under any Order dividends on securities in Court are directed to be dealt with, and a subsequent Order is made dealing with part of such securities, the dividends on the residue shall, unless such subsequent Order shall otherwise direct, continue to be dealt with in the same manner as the dividends on such securities were by the prior Order directed to be dealt with.

59. When subsequently to the date of an Order dealing with money in Court such money shall have been placed on deposit, as hereinafter provided, or when dividends accruing subsequently to the date of an Order under which such dividends are applicable shall have been placed on deposit, the same when withdrawn from deposit, and any interest credited in respect thereof, shall, unless the Order otherwise directs, be applied in the same manner as such money or dividends would have been applied had the same not been so placed on deposit.

60. When an Order directs money in Court to be invested, and subsequently to the date of such Order the money shall have been placed on deposit, interest accruing in respect of such money shall be applied in the same manner as the dividends arising from such investment are directed to be applied.

61. When funds in Court are by an Order directed to be paid, transferred, or delivered to a woman in her own right who is not married at the date of the Order, or who, being married at that date, shall become a widow, and such woman shall marry before payment, transfer, or delivery of such funds, upon an affidavit of such woman and her husband that no settlement or agreement for a settlement whatsoever has been made or entered into, before, upon, or since their marriage, or in case any such settlement or agreement for a settlement has been made or entered into, then upon an affidavit of such woman and her husband identifying such settlement or agreement for a settlement, and stating that no other settlement or agreement for a settlement has been made or entered into as aforesaid, and an affidavit of the solicitor of such woman and her husband that such solicitor has carefully perused such settlement or agreement for a settlement, and that, according to the best of his judgment, such funds are not, nor is any part thereof, subject to the trusts of such settlement or agreement for a settlement, or in any manner comprised therein or affected thereby, such funds shall be paid, transferred, or delivered to such woman without the intervention or concurrence of her husband in the same manner as if she had remained unmarried.

62. When funds in Court are by an Order directed to be paid, transferred, or delivered to any person named or described in an Order, or in a certificate of a Chief Clerk, or of a Taxing officer, or of a Master in Lunacy (except to a person therein expressed to be entitled to such funds as real estate, or to be entitled thereto as a trustee, executor, or administrator, or otherwise than in his own right, or for his own use), such funds, or any portion thereof for the time being remaining unpaid or untransferred or undelivered, may, unless the Order otherwise directs, on proof of the death of such person, whether on or after, or, in the case of payment directed to be made to creditors as such, before the date of such Order, be paid or transferred or delivered to the legal personal representatives of such deceased person, or to the survivors or survivor of them.

If no administration has been taken out to any such deceased person who has died

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intestate and whose assets do not exceed the value of 100%, including the amount of the funds directed to be so paid, transferred, or delivered to him, such funds may be paid, transferred, or delivered to the person who, being widow, child, father, mother, brother, or sister of the deceased, would be entitled to take out administration to his estate, upon a declaration by such person in the Form No. 15 appended to these Rules.

63. When money in Court is by an Order directed to be paid to any persons described in the Order, or in a certificate of a Chief Clerk, or of a Taxing officer, or of a Master in Lunacy, as co-partners, such money may be paid to any one or more of such co-partners, or to the survivor of them.

64. When funds in Court are by an Order directed to be paid, transferred, or delivered to any persons as legal personal representatives, such funds, or any portion thereof for the time being remaining unpaid, untransferred, or undelivered, may, upon proof of the death of any of such representatives, whether on or after the date of the Order directing such payment, transfer, or delivery, be paid, transferred, or delivered to the survivors or survivor of them.

65. No funds shall, under Rules 62 and 64, be paid, transferred, or delivered out of Court to the legal personal representatives of any person under any probate or letters of administration purporting to be granted at any time subsequent to the expiration of six years from the date of the Order directing such payment, transfer, or delivery, or in case such funds consist of interest or dividends from the date of the last receipt of such interest or dividends under such Order.

66. The Paymaster, before acting upon an Order for the payment, transfer, or delivery of funds in respect of which legacy or succession duty is (under Rule 20) stated to be payable, shall require the production of the official receipt for such duty, or a certificate from the proper officer of the payment thereof, or that no such duty is payable; and the Paymaster, on receiving notice from the proper officer in any case that such duty is payable, shall cause a memorandum to that effect to be made in his books.

67. When costs are by an Order directed to be paid out of funds in Court, the Taxing officer shall certify the names and addresses of the persons respectively to whom such costs are payable, and the amount of any fees which have not been paid but are payable, and are proper to be paid out of such funds, in respect of any proceeding in the cause or matter, whether the amount shall or shall not have been previously ascertained, and in respect of the taxation of such costs. The Paymaster shall carry over the amount so certified to be payable from the account to which such funds are placed to an account in the Pay Office books for Fees on proceedings and taxation; and the amount so carried over shall from time to time, as the Treasury may direct, be paid to the account of Her Majesty's Exchequer.

68. In acting on Orders directing any annuities or maintenance to be paid out of dividends to accrue on securities in Court (other than securities specifically carried over to provide for such annuities or maintenance), the Paymaster shall draw only for so much of the sums directed by such Orders respectively to be paid as shall remain after making a deduction therefrom for income tax at the rate payable when such annuities or other payments became due, unless such sums shall be directed to be paid without making any such deduction.

VII. INVESTMENTS.

69. When an Order directs the investment and accumulation of dividends accruing on securities in Court, or to be transferred into Court, or directed to be purchased with money in Court, or to be lodged in Court, the Paymaster upon receipt of the copy of such Order shall, without any request, from time to time (until he shall receive a request or copy of an Order to the contrary) invest such dividends, if amounting to or exceeding 40l. half yearly, together with all accumulations of dividends thereon, as soon as conveniently may be after they shall accrue due and have been received, in the particular description of securities named in the Order directing such investment and accumulation.

70. When money in Court is invested in Exchequer bills or Exchequer bonds, and when Exchequer bills or Exchequer bonds are, in pursuance of an Order, lodged in Court, any principal money or interest which may thereafter be received and paid into the Bank in respect of such bills or bonds, or in respect of any such bills or bonds for which the same may be exchanged, shall from time to time, as the same shall be so received and paid into the Bank, be also invested by the Paymaster, unless such Order otherwise directs, or until he receives a written request or notice of a further Order to the contrary, in Exchequer bills or Exchequer bonds which shall be placed to the same credit.

71. When and so often as any Exchequer bills or other securities deposited at the Bank to the credit of the Pay Office Account shall be in course of payment, the Bank shall, without any direction from the Paymaster, cause all such bills or other securities so in course of pay-

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ment to be delivered to one of the cashiers of the Bank, who is to receive the principal money or interest due thereon, or in the case of Exchequer bills to exchange the same for new bills, if new bills are issued, or otherwise to receive the principal money and interest due on such of the said bills so in course of payment as cannot be exchanged, and pay such interest, or principal and interest (as the case may be), into and deposit all such new bills in the Bank to the Pay Office Account: and the Bank shall forthwith after every such exchange or receipt of principal or interest certify to the Paymaster, without any direction from him for that purpose, the numbers, dates, and amounts of the Exchequer bills or other securities so exchanged or paid off, and also the numbers, dates, and amounts of the new bills taken in exchange, and the amount of the interest, or principal money and interest (as the case may be), received on each bill or set of bills or other securities; and upon receiving such certificate the Paymaster shall place such new bills and such principal money and interest to the credit in the books at the Pay Office to which the bills or other securities so exchanged or paid off were placed.

72. A sum of money in Court less than 40*l.* shall not be invested in securities, except in the cases provided for by the two Rules next following, and unless an Order directs such investment notwithstanding the smallness of the amount; but such sum, if not less than 10*l.*, shall be placed on deposit until, with the interest accrued thereon, it shall amount to 40*l.*, and shall then be invested as directed. This Rule shall extend to the investment of dividends accruing on securities in Court which are directed to be invested.

73. A sum of money amounting to or exceeding 40*l.* lodged in Court, under the 32nd section of the Act 36 Geo. 3. c. 52, shall, upon a request signed by or on behalf of the person paying it in, or by or on behalf of a person claiming to be entitled thereto or interested therein, be invested (without an Order) in the Government securities specified in such request; and the dividends accruing in respect thereof, when or so soon as they shall amount to or exceed 10*l.*, shall be from time to time invested in like securities. And if such money shall have been placed on deposit before such request shall be left at the Pay Office, such money and any interest to be credited in respect thereof, if amounting to 40*l.*, shall, upon a like request, be withdrawn from deposit and invested as before mentioned. Dividends accruing on funds or on investments or accumulations of funds lodged in Court under the said Act prior to the commencement of the Chancery Funds Rules, 1872, may, when or so soon as they amount to or exceed 10*l.*, be invested in like manner.

74. When it is stated in the Schedule to the affidavit made pursuant to Rule 41 that it is desired that any money to be lodged in Court, or the dividends accruing on any securities to be lodged in Court in pursuance of the Act 10 & 11 Vict. c. 96, and the accumulations thereof, shall be invested in any description of Government securities, the Paymaster shall (if or so soon as such money shall amount to or exceed 40*l.*, or so soon as dividends accruing on such securities shall amount to or exceed 10*l.*) invest the same accordingly, without any Order or further request for that purpose. If such money does not amount to 40*l.* (and is not less than 10*l.*) the Paymaster shall place such money on deposit without a request for that purpose, unless the said Schedule contains a statement that it is deemed unnecessary to place such money on deposit, or unless notice in writing be left at the Pay Office of an Order having been made, or of an intended application to the Court, affecting such money, securities, or dividends. Dividends accruing on funds or on investments or accumulations of funds lodged in Court under the said Act prior to the commencement of the Chancery Funds Rules, 1872, may, when or so soon as they amount to or exceed 10*l.*, be invested without any request.

75. In all cases, upon a request signed by a solicitor acting on behalf of any person claiming to be entitled to or interested in securities in Court, that the dividends or interest accruing on any specified securities may not be invested, being at any time left at the Pay Office, the Paymaster shall be at liberty to cease to invest any more dividends or interest accruing on such securities or to place the same on deposit until he has received a copy of a Schedule in that behalf.

VIII.—MONEY ON DEPOSIT, AND INTEREST THEREON.

76. Subject to the two Rules next following all money to be lodged in Court in the Chancery Division, including dividends received in respect of securities in Court and not otherwise directed to be dealt with, shall be placed on deposit without a request. But money arising by the sale, conversion, or payment off of securities in Court in that Division shall only be placed on deposit upon a request to that effect.

77. Money shall not be placed on deposit in the following cases:

(a.) In any cause or matter in the Queen's Bench or Probate, Divorce, and Admiralty Divisions:

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- (b.) When lodged in the Chancery Division under the provisions of Order XXII. or of rule 26 of Order XXXI. of the Rules of the Supreme Court, 1883 :
- (c.) When lodged under the standing orders of either House of Parliament, pursuant to the Act 9 & 10 Vict. c. 20 or any Act amending the same, in respect of works or undertakings to be executed under the authority of Parliament :
- (d.) If lodged prior to the commencement of the Court of Chancery Funds Act, 1872, pursuant to the Copyhold Acts, or to section 69 of the Lands Clauses Consolidation Act, 1845 :

(e.) When the amount is less than 10*l.* :

(f.) When a Payment Schedule dealing with the money otherwise than by directing it to be placed on deposit or carried over has been left at the Pay Office :

(g.) When a request that the money shall not be placed on deposit, signed by a solicitor acting on behalf of a person claiming to be entitled to or interested in the money, is left at the Pay Office : Provided that the person making such request may at any time withdraw the same, and request that the money may be placed on deposit.

78. Money shall be withdrawn from deposit in the following cases :—

(a.) When and to such an amount as the money is by an Order directed to be dealt with, otherwise than by carrying over :

(b.) When the amount is reduced below 10*l.* :

(c.) Upon a request signed by a solicitor acting on behalf of a person interested, and countersigned by a Registrar or Chief Clerk, containing a notification that the money is about to be dealt with by an Order.

79. The placing on deposit of money lodged in Court shall not be deferred beyond the 15th or the last day of the month in which it shall be lodged in Court, whichever day shall first happen after such lodgment, or in the case of money lodged in Court on the last day of a month, the placing on deposit shall not be deferred beyond the 15th day of the following month ; and when a request to place money in Court on deposit shall be sent to or left at the Pay Office, the money shall be so placed on the day next following that on which such request shall be so left or received at the Pay Office.

80. When an Order directs Government securities to be sold and the whole of the money arising thereby to be placed on deposit, and when such securities are realised by exchange as hereinafter provided, such money shall be deemed to have been placed on deposit (without a request for that purpose) on the day on which such exchange shall be effected.

81. Interest upon money on deposit shall not be computed on a fraction of 1*l.*

82. Except as in this Rule otherwise provided, interest upon money on deposit shall accrue by half calendar months, and shall not be computed for any less period. The periods from the 1st to the 15th of a month, both days inclusive, and from the 16th to the last day of a month, both days inclusive, shall, for the purpose of computing such interest, be reckoned as half calendar months ; and such interest shall begin on the first day of the half calendar month next succeeding that in which the money is placed on deposit, and shall cease from the last day of the half calendar month next preceding the withdrawal of the money from deposit : Provided that when a sum of money in Court amounting to not less than 500*l.* shall be placed on deposit, pursuant to a request signed by or on behalf of a person claiming to be interested therein, and shall remain on deposit undealt with until the 1st of April or the 1st of October next succeeding the day on which it is placed on deposit, interest shall begin on the day inclusive next succeeding such day of placing on deposit.

83. Interest which has accrued for or during the half years ending respectively the 31st of March and the 30th of September in every year on money then on deposit shall, on or before the 15th days of the months respectively following, be placed by the Paymaster to the credit to which such money shall be standing on every such half-yearly day. And when money on deposit is withdrawn from deposit, the interest thereon which has accrued and has not been credited shall be placed to the credit to which the money is then standing.

84. When money on deposit consists of sums which have been placed on deposit at different times, and an Order is made dealing with the money, and part of such money has to be withdrawn from deposit for the purpose of executing such Order, the part or parts of the money dealt with by such Order last placed and remaining on deposit at the time of such withdrawal shall, for the purpose of computing interest, be treated as so withdrawn, unless the Order otherwise directs.

85. Unless otherwise directed by an Order, interest credited on money on deposit shall, when or so soon as it amounts to or exceeds 10*l.*, be placed on deposit, and for the purpose of computing interest upon it shall be treated as having been placed on deposit on the last half-yearly day on which any such interest became due.

*Supreme Court Funds Rules.***IX.—EXCHANGE OR CONVERSION OF GOVERNMENT SECURITIES AND TRANSACTIONS WITH THE NATIONAL DEBT COMMISSIONERS.**

86. When Government securities in Court are directed to be sold, such securities may be realised by exchange in the Pay Office books in the manner hereinafter provided. And when money in Court is required to be invested in Government securities, such investment may be made by exchange in like manner.

87. For the purpose of effecting any such exchange, an account of each description of Government securities shall be kept at the Pay Office, entitled "Exchange Accounts," and such accounts shall contain on the one side thereof the amount of securities received in exchange for money, and the amount of money received in exchange for securities, and on the other side thereof the amount of money and securities given in exchange for such securities and money respectively. The money value of the securities received or given in exchange under this Rule shall be determined by the price of the day next following that on which the Paymaster is required or authorised to make the sale or investment; or if the money invested consist of dividends accrued on securities in Court, and previously to the accruing thereof, required or authorised to be invested in Government securities, the price of the day next following that on which such dividends shall be placed by the Bank to the Pay Office Account; or if no price can be ascertained for such day then the price of the next following day for which it can be ascertained. The price herein mentioned shall be the Bank average price of the Government securities appearing in the account transmitted to the Controller General of the National Debt Office by the Cashiers of the Bank, a copy whereof shall be sent daily by the Bank to the Pay Office.

88. Upon every such exchange a commission shall be charged of one eighth per cent. on the amount of money realised or invested, in lieu of any brokerage provided for by the Order or usually charged upon the sale or purchase of such securities; and unless the payment thereof is otherwise provided for by the Order, such commission shall be deducted from the proceeds of the realisation or the amount to be invested respectively, or in case a specific amount of money is to be realised, the commission upon it shall also be realised by the exchange of an additional amount of the securities by which the realisation is to be effected; and when the payment of brokerage is otherwise provided for, the Paymaster shall not be required to give effect to any such exchange until such commission has been paid into the Bank to the Pay Office Account. Such commission when so paid in or realised and deducted as aforesaid shall be placed to an account in the Pay Office books for Commission on exchanges; and the amount so placed shall from time to time, as the Treasury may direct, be transferred to the account of Her Majesty's Exchequer.

89. The Paymaster shall from time to time, but not less than once in every year, prepare and transmit to the National Debt Commissioners a statement of the result of the exchange operations under these Rules, shewing the total amounts of each description of Government securities purchased by exchange and realised by exchange respectively; and the total amounts of the cash charged and credited, respectively, in the Pay Office books as the money value of the securities exchanged. And the difference so arising between the amount of any description of Government securities standing to the credit of the Pay Office Account at the Bank and the amount of such securities appearing by the books of the Pay Office to be in Court, and also the difference between the money value nominally paid and nominally received for such securities, shall be forthwith adjusted as follows:—

(a.) If such statement shews that the total amount of any description of Government securities purchased by exchange is in excess of the total amount of the same description of securities realised by exchange, the amount of such excess of securities purchased by exchange shall be transferred by the National Debt Commissioners from their account at the Bank on behalf of the Supreme Court to the Pay Office Account at the Bank. And such transfer of securities shall be treated as a repayment by the said Commissioners out of the money placed in their hands by the Paymaster on behalf of the Supreme Court, of the difference between the cash charged and credited respectively in the Pay Office books in respect of such exchanges, as shewn in the said statement.

(b.) If such statement shews that the total amount of any description of Government securities purchased by exchange is less than the total amount of the same description of securities realised by exchange, the amount of the excess of securities realised by exchange shall be transferred by the Paymaster to the account at the Bank of the National Debt Commissioners on behalf of the Supreme Court. And the money value of the securities so transferred (being the difference between the cash charged and credited, respectively, in the Pay Office books in respect of such exchanges, as shewn in the said statement) shall be placed by the National Debt Commissioners to the credit

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of the account kept by them of money placed in their hands by the Paymaster on behalf of the Supreme Court.

90. The Paymaster shall from time to time prepare and transmit to the National Debt Commissioners a statement shewing the amount of the dividends, less income tax, which became payable in the period to which such statement relates, on the Government securities in Court (at the closing of the Bank books for such dividends) as shewn by the Pay Office books, and the amount of the dividends received in the same period on the Government securities standing to the credit of the Pay Office account at the Bank; and the difference appearing thereby shall be adjusted as follows:—

- (a.) If the amount of dividends payable shall have exceeded the amount of dividends received, the amount of the difference shall be credited by the National Debt Commissioners to the account kept by them of money placed in their hands by the Paymaster on behalf of the Supreme Court.
- (b.) If the amount of dividends received shall have exceeded the amount of dividends payable, the amount of the difference shall be transferred by the Paymaster to the account at the Bank of the National Debt Commissioners on behalf of the Supreme Court.

91. When the money to the credit of the Pay Office Account is, in the opinion of the Paymaster, in excess of the amount required for the purpose of making current payments, he shall transfer the amount or such excess from the Pay Office Account to the account at the Bank of the National Debt Commissioners on behalf of the Supreme Court, and shall notify such transfer to the said Commissioners.

92. When the money to the credit of the Pay Office Account is, in the opinion of the Paymaster, insufficient for the purpose of making current payments, the National Debt Commissioners upon a request in writing of the Paymaster shall forthwith transfer from their account at the Bank on behalf of the Supreme Court to the Pay Office Account the amount of money specified in such request.

93. The Paymaster shall, after the 31st of March and 30th of September in every year, certify to the National Debt Commissioners the amount of interest on money on deposit which has accrued for or during the half years respectively ending on those days; and the National Debt Commissioners, as soon thereafter as may be, shall place such amount to the credit of the account kept by them of money placed in their hands by the Paymaster on behalf of the Supreme Court, and shall cause the amount of income tax (if any) chargeable on such interest to be paid to the account at the Bank of the Receiver General of Inland Revenue.

X.—CALCULATION OF RESIDUES, EVIDENCE OF LIFE, ETC.

94. For the purpose of ascertaining the amounts of any residue or aliquot part of money or securities dealt with by an Order, when such amounts cannot be stated in the Payment Schedule and are not directed to be certified, the necessary calculations shall be made in the Pay Office: Provided that the Paymaster may require such calculations to be first stated in a certificate signed by the solicitor of the party interested.

95. When any person is entitled, under an Order, to receive dividends or other periodical payments from the Pay Office, and the Paymaster requires evidence of life or of the fulfilment of any conditions affecting such payments, such evidence may be furnished by a declaration signed by a solicitor acting on behalf of such person, or by a declaration signed by the person entitled to the payment, and attested by a justice of the peace, commissioner to administer oaths, clerk in holy orders, or notary public; and the Paymaster shall act on such evidence unless in any case he thinks fit to require such evidence to be by statutory declaration or affidavit. The Paymaster may prescribe, with the approval of the Treasury, the terms in which such declarations or affidavit shall be made, and the forms to be used for that purpose. The provisions of this Rule shall apply to Orders made before these Rules come into operation, notwithstanding anything as to evidence in such Orders contained.

96. When in carrying into effect the directions of an Order evidence is required by the Paymaster for any purposes other than those included in the immediately preceding Rules, he may receive and act upon an affidavit, or upon a statutory declaration, and every such affidavit or statutory declaration shall be filed in the Central Office when the Paymaster shall consider it necessary.

XI. COPIES OF ORDERS AND OTHER DOCUMENTS FOR AUDIT OFFICE.

97. An office copy of the Schedules to every Order in the Chancery Division and in Lunacy, and, when requested, an office copy of any Order in the Queen's Bench and Probate,

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Divorce, and Admiralty Divisions, to be acted upon by the Paymaster, shall be transmitted by the proper officer to the Audit Office; and in case of any amendments being made in any such Schedule or Order, such office copy shall be likewise amended.

98. An office copy of every certificate or other authority of a Master of the Supreme Court, Chief Clerk, or Taxing officer, or of a Master in Lunacy, which is to be acted upon by the Paymaster, or so much thereof as may be necessary, and an office copy of any certificate, affidavit, or statutory declaration which may be received in evidence by the Paymaster, shall, when requested, be transmitted by the proper officer to the Audit Office.

XII. MISCELLANEOUS.

99. The Paymaster, upon a request signed by or on behalf of a person claiming to be interested in any funds in Court standing to the credit of an account specified in such request, may, in his discretion, issue a certificate of the amount and description of such funds, and such certificate shall have reference to the morning of the day of the date thereof, and shall not include the transactions of that day, and the Paymaster shall notify on such certificate the dates of any Orders restraining the transfer, sale, delivery out, or payment, or other dealing with the funds in Court to the credit of the account mentioned in such certificate, and whether such orders affect principal or interest, and any charging Orders, affecting such funds, of which respectively he has received notice, and the names of the persons to whom notice is to be given, or in whose favour such restraining or charging Orders have been made. The Paymaster may re-date any such certificate, provided that no alteration in the amount or description of the funds has been made since the certificate was issued. And when a cause or matter has been inserted in the list referred to in Rule 101, the fact shall be notified on the certificate relating thereto.

100. Upon a request signed by or on behalf of a person claiming to be interested in funds in Court, the Paymaster may, in his discretion, issue a transcript of the account in his books specified in such request; and if so required by the person to whom it is issued, such transcript shall be authenticated at the Audit Office. He may also upon a like request supply such other information or issue such certificates with respect to any transactions or dealings with funds in Court as may from time to time be required in any particular case.

101. On or before the 1st day of March in every third year the Paymaster shall prepare, in such form and with such particulars as the Treasury may from time to time direct, a list or statement of the accounts in the books of the Pay Office (other than those referred to in the next following Rule) to the credit of which there stood on the 1st day of September then next preceeding any funds not less than 50%, which have not been dealt with, otherwise than by the continuous investment or placing on deposit of dividends, during the 15 years immediately preceding the last-mentioned date.

The said list or statement shall be filed in the Central Office, and a copy thereof shall be inserted in the "London Gazette" and exhibited in the several Offices of the Court.

The Paymaster shall not give any information respecting any funds in Court mentioned in such list or statement except upon a request signed by the person applying for such information. If such request be made by a solicitor, such information shall not be given unless the request states the name of the person on whose behalf it is made, and that such person is in the opinion of the applicant beneficially interested in such funds. If such request be made by any person other than a solicitor, such information shall not be given unless the applicant is able to satisfy the Paymaster that the request is such as may in the particular case be properly complied with.

102. The Paymaster may from time to time carry over to a special account for small balances such balances of money and securities as do not together amount to 5%, and on which the money or securities shall not have been dealt with during the preceding five years. When an Order dealing with funds carried over under this Rule is to be acted upon, the Paymaster shall carry back such funds and any dividends accrued thereon to the account from which they were so carried over, and shall deal therewith as directed by such Order.

103. The length of the title of any ledger credit shall not exceed 36 words, exclusive, in the case of a separate account in a cause or matter, of the title of the cause or matter in which such separate account is opened: Provided that such title may be extended beyond 36 words if a sufficient reason be assigned to the satisfaction of the Registrar or Master of the Supreme Court; and the Registrar or Master shall in such case add to the instruction to open such credit the words "notwithstanding Rule 103"; and provided also that the Paymaster may extend any such title if in his opinion a sufficient reason be assigned for so doing. In such title four figures shall be reckoned as one word.

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104. Unpaid cheques signed by the late Accountant General, or any of his predecessors, shall be a sufficient authority to the Paymaster for making the payments therein purporting to be intended to be made.

105. An index shall be made and kept in the Central Office of all documents by these Rules directed to be filed there.

106. Upon the request of any person, or of a solicitor acting on behalf of any person, named in an Order and entitled to or interested in funds in Court, the Paymaster shall record, in such manner as he shall consider convenient for reference, the name and address of such person, or of the solicitor for the time being acting on his behalf, and also any change of such address which may be notified to him.

107. The directions of the Paymaster for giving effect to these Rules shall be prepared and issued in such form and manner as the Treasury may from time to time direct, and shall be signed by such officers as the Treasury may prescribe or approve.

108. It shall be the duty of the Paymaster to comply with any instructions which may be given to him by the Treasury as to the means of identifying any person to whom a direction for payment of money or for delivery of securities out of Court is issued, when such identification may be deemed necessary.

109. Whenever any amount or number of stock, shares, or other security in Court (in this rule referred to as the original security) is converted into any other stock, shares, or other security (in this Rule referred to as the substituted security), so that the description thereof will differ from the description given of the original security in the Order or other authority under which the Paymaster acts respecting the same, the Paymaster shall write off from the account to which the same may be standing the original security so converted, and shall place to the same account a proportionate part of the substituted security; and except in so far as any original security may be affected by any Order brought to the Pay Office in due time for that purpose, the Paymaster shall, as far as may be practicable, give effect to every part of any Order or other authority under which he has been acting which shall refer to any such original security so converted as aforesaid, or the dividends thereon, as if it referred to the substituted security or the dividends thereon. Provided that payments of income shall not be made in pursuance hereof, without an Order, in any case where the substituted security is a terminable annuity; unless such terminable annuity is based upon a deduction for sinking fund intended to replace the capital of the original security.

110. Whenever any allotment letters, scrip allotments, or other securities are allotted or assigned in respect of any sums of stock, or of any shares or other security in Court, such allotment letters, scrip allotments, or other securities (excepting such of them, if any, as may be affected by any Order of which the Paymaster has notice) shall be sold. The money to arise by the said sale shall be paid (without deduction for brokerage) by the broker to the Pay Office Account at the Bank and placed in the books of the Pay Office to the respective accounts to which the said stock or shares or other security are standing, in respect of which such allotment letters, scrip allotments, or other securities, have been allotted or assigned.

111. These Rules shall not apply in District Registries to funds in Court or hereafter lodged in Court.

HERSCHELL, C.

26th July, 1886.

We certify that these Rules are made with the concurrence of the Commissioners of Her Majesty's Treasury.

W. V. HARCOURT.
CYRIL FLOWER.

APPENDIX.

FORM NO. 1.

[Lodgment Schedule, referred to in Rule 5.]

LODGMET SCHEDULE.

In the High Court of Justice, Chancery Division.

Date of Order, 18 . A. No. 18

Title of Cause or Matter

Ledger credit. [If same as title of cause, state "As above."]

Particulars of Funds to be lodged	Person to make the Lodgment	Amounts					
		Money			Securities		

[See Specimen entries below.]

In the High Court of Justice, Chancery Division. 21st July 1886.

Re Morton, deceased, *Morton v. Matthews.* 1881. M. 391.

Ledger credit. As above.

Particulars of Funds to be lodged	Person to make the Lodgment	Amounts					
		Money			Securities		
		£	s.	d.	£	s.	d.
Balance to be certified on passing final account as Receiver.	Edmund James White (the Receiver).						
Balance to be certified of the 87 <i>l.</i> 5 <i>s.</i> 9 <i>d.</i> due from him as Executor after retaining his costs.	James Matthews (Defendant).						

In the High Court of Justice, Chancery Division. 15th June 1886.

A. v. B. 1883. A. 16.

Ledger Credit. As above.

Particulars of Funds to be lodged	Person to make the Lodgment	Amounts					
		Money			Securities		
		£	s.	d.	£	s.	d.
Consols	J. A. and J. B. . . .				15,000	—	—
Great Western Railway 4 p. c. Debenture Stock.	Do.				1,500	—	—
Balance of Cash to be certified.	J. B.						
Invest and accumulate in Consols.							

Supreme Court Funds Rules.

FORM No. 1—continued.

[Specimen Lodgment Schedule of purchase money to be signed by a Chief Clerk.]

In the High Court of Justice, Chancery Division.
A. v. B.

1885. A. 16.

Ledger credit. The said action. Proceeds of sale of real estate.

LODGMET SCHEDULE.

Purchase money to be lodged pursuant to order dated 31st July, 1886.

Particulars of money to be lodged	Person to make the lodgment	Amount		
		£	s.	d.
Deposit	T. A. the Auctioneer	20	0	0
Balance of purchase money and interest.	W. K. the Purchaser	195	0	0
Invest and accumulate amounts lodged in Consols.				
The above funds not to be paid out, transferred or dealt with, without notice to the said W. K.				
		215	0	0

Total amount {
in words. { Two hundred and fifteen pounds.

Dated this 10th day of August 1886.
Chief Clerk.

FORM No. 2.

[Payment Schedule, referred to in Rule 6.]

PAYMENT SCHEDULE.

In the High Court of Justice, Chancery Division.
Date of Order, 18
Title of Cause or Matter 18 . A. No.
Ledger credit. [If same as title of cause, state "As above."]
Funds in Court.

Particulars of payments, transfers, or other operations ordered	Payees and transferees, or separate accounts	Amounts			
		Money		Securities	

[See Specimen entries on next page.]

*Supreme Court Funds Rules.*FORM No. 2—continued. [*Specimen Payment Schedules.*]

In the High Court of Justice, Chancery Division. 2nd August 1886.

B. v. D., 1883.

B. 165.

Ledger credit. As above.

Funds in Court } 730*l.* 7*s.* 7*d.* New 3 per Cent. Annuities.
- 10*l.* 13*s.* 2*d.* Cash.

Particulars of payments, transfers, or other operations ordered	Payees and transferees or separate accounts	Amounts					
		Money			Securities		
		£	s.	d.	£	s.	d.
Pay	John Park	5	6	7			
Sell New 3 per Cent. Annuities.		—	—	—	730	7	7
Out of proceeds and balance of funds pay:—							
Costs of Petitioners to be taxed.							
Legacy duty in respect of fund in Court.							
Divide residue in fourths, and pay as under:—							
One-fourth	John Smith (Petitioner.)						
One-fourth	Emma Joy (Petitioner), wife of Wm. Joy, on her separate receipt.						
Out of one-fourth	Eliza Joy (Widow)	79	10	6			
Residue of such one-fourth	Edward Sparkes						
Carry over one-fourth. Invest and accumulate in New 3 per Cent. Annuities.	Separate account of William Peters (Plaintiff)						

In the High Court of Justice, Chancery Division. 4th September 1886.

Smith v. Williams. 1871. S. 103.

Ledger credit. The said cause. Trust legacy of 800*l.* for Charles Pearce and Susan his wife and their children and incumbrancers.Funds in Court { 308*l.* 4*s.* 1*d.* Consolidated 3 per Cent. Annuities.
512*l.* 11*s.* New 3 per Cent. Annuities.
50*l.* Money on deposit.
48*l.* 1*s.* 3*d.* Cash.

Particulars of payments, transfers, or other operations ordered	Payees and transferees or separate accounts	Amounts					
		Money			Securities		
		£	s.	d.	£	s.	d.
Sell Consols		—	—	—	308	4	1
Sell New 3 per Cent. Annuities		—	—	—	512	11	0
Pay	{ David Shore Charles Weaver }	45	6	2			
Pay taxed costs of George Turner							
Pay residue of funds as under:—							
One-fifth	George Turner.						
Out of one-fifth	James Watson	100	0	0			
Residue of last-named one-fifth	Birmingham Banking Company mortgagees.						
Out of one-fifth	Henry Earle (as mortgagee).	140	8	4			
Out of same one-fifth, interest on 100 <i>l.</i> at 5 <i>l.</i> per cent. per annum from 18 to day for payment.	The same.						
Residue of last-named one-fifth.	Robert Wild and Joseph Hunter, trustees of Arthur Turner.						
One-fifth	Matthew Field						
One-fifth	William Long						

Supreme Court Funds Rules.

FORM No. 3.

[Combined Lodgment and Payment Schedule, referred to in Rule 8.]

LODGMET AND PAYMENT SCHEDULE.

In the High Court of Justice, Chancery Division.

Date of Order, 18 .

Title of Cause or Matter 18 . A. No.

Ledger credit. [If same as title of cause, state "As above."]

I. LODGMET.

Particulars of Funds to be Lodged	Person to make the Lodgment	Amounts			
		Money		Securities	

II. PAYMENT.

Funds to be dealt with. { £ Consolidated 3 per cent. Annuities.
£ Cash.
Funds to be lodged as above.

Particulars of payments, transfers, or other operations ordered	Payees, transferees, or separate accounts	Amounts			
		Money		Securities	

FORM No. 4.

[Certificate of ascertained sums, referred to in Rule 11.]

HIGH COURT OF JUSTICE.—CHANCERY DIVISION.

Title of Cause or Matter

Ledger credit. [If same as title of cause, state "As above."]

I certify that under an Order dated 18 the sums stated in the Schedule subjoined hereto, amounting in the whole to have been ascertained to be the sums payable under the said Order to the persons respectively named, in respect of [state in what character paid].

Dated this day of 18 .

, Chief Clerk [or Taxing officer].

SCHEDULE.

Name	Address (if ascertained)	Amount to be paid		

Supreme Court Funds Rules.

FORM No. 5.

[Certificate of taxed costs, referred to in Rule 12.]

HIGH COURT OF JUSTICE.—CHANCERY DIVISION.

Title of Cause or Matter

Ledger credit. [If same as title of cause, state "As above."]

In pursuance of an Order dated 18 I have been attended by the solicitors for

and I certify that I have taxed the costs specified in the Schedule subjoined hereto, directed to be taxed by the said Order, at the sums respectively stated in the Schedule, which sums, with the fees of taxation specified (if any), amount to the total sum of

Dated this day of 18 .

Taxing Officer.

SCHEDULE.

Costs of	Payable to		Amount of taxed costs and Fees		
	Name	Address			
		Total	£		

FORM No. 6.

[Certificate of execution of documents, referred to in Rule 18.]

HIGH COURT OF JUSTICE.—CHANCERY DIVISION.

Title of Cause or Matter

Ledger credit. [If same as title of cause, state "As above."]

An Order of the Court, dated 18 having directed that the under-mentioned dealings with the funds specified shall be contingent upon the execution of [*here describe the document to be executed*], I hereby certify (pursuant to Rule 18 of the Supreme Court Funds Rules) that the said document has been executed as directed in the said Order.

Whether payment, transfer, or other operation; and description of securities (if any)	Name of payee, transferee, or separate account	Amounts to be dealt with			
		Money		Securities	
	Totals	£			

Amounts in words.

[Total only of each money column].

Dated this

} Money

} Securities

day of

18 .

Chief Clerk [or Master in Lunacy].

Supreme Court Funds Rules.

FORM No. 7.

[Order for Payment in Queen's Bench and Probate, Divorce, and Admiralty Divisions,
referred to in Rule 28.]

HIGH COURT OF JUSTICE, DIVISION.
Title of Cause or Matter v. 18 . A. No.
Lodger credit. [Name of ship in Admiralty actions.]

Date 18 .

The Paymaster General is hereby directed to make the payments specified below out of
the money standing in his books to the credit of the above cause or matter.

Name of the person to whom, and also of the person (if any) upon whose authority, payment is to be made.		Particulars	Amount to be paid
Person to be paid. (<i>Christian name to precede surname</i>)	Person (if any) to give authority for payment		

Total amount {
in words. {
(Signature)

FORM No. 8.

[Request for Lodgment of Money in Chancery Division, referred to in Rule 30.]

HIGH COURT OF JUSTICE.—CHANCERY DIVISION.

I.—Request for Direction for Lodgment.

Title of Cause or Matter v. 18 . A. No.
Lodger credit { [If same as title of cause, state "As above."]
to which lodged. {
Further particulars (if any) required to be stated

The Paymaster is hereby requested to issue a direction to the Bank to receive from
the sum of £ for the lodger credit in the books of the Pay Office above
specified.

(Signature)

II.—Paymaster's Direction for Lodgment.

To the Agent of the Bank of England (Law Courts Branch).

Please receive the above-stated sum, and place it to the account of the Paymaster General
for the time being for and on behalf of the Supreme Court of Judicature.

(Signature)

(Date)

18 .

III.—Bank Certificate of Receipt.

To the Assistant Paymaster General.

Bank of England 18 .
The above-stated sum has been this day received.
(Signature)

Supreme Court Funds Rules.

FORM No. 9.

[*Request for Lodgment or Transfer of Securities in Chancery Division, referred to in Rule 30.*]

HIGH COURT OF JUSTICE.—CHANCERY DIVISION.

I.—*Request for Direction for Lodgment or Transfer of Securities.*Title of Cause or Matter *v.* 18 . A. No.

Ledger credit } [If same as title of cause, state "As above."]
to which lodged. }

Authority is hereby requested for the lodgment or transfer to the account of the Paymaster General for and on behalf of the Supreme Court of Judicature of the securities mentioned below, for the ledger credit in the books of the Pay Office above specified.

To be lodged or transferred by

Description and amount of securities

Date of Order (if any) 18 .

(Signature)

II.—*Paymaster's Direction for Lodgment or Transfer.*

Authority is hereby given for the lodgment or transfer of the above-mentioned securities to the account of the Paymaster General for the time being for and on behalf of the Supreme Court of Judicature.

(Signature)

(Date)

18 .

III.—*Certificate of Lodgment or Transfer.*

Address

Date

18 .

It is hereby certified that in accordance with the above authority the securities herein mentioned have this day been lodged or transferred to the account of the Paymaster General.

(Signature)

N.B.—Under the Supreme Court Funds Rules made in pursuance of Acts of Parliament, the Bank or other Company in whose books the transfer herein authorised is made, is required to certify such transfer hereon, and to return this document to the Assistant Paymaster General, Royal Courts of Justice, London.

FORM No. 10.

[*Request for Lodgment in Chancery Division under Orders XXII. and XXXI., referred to in Rule 30.*]

HIGH COURT OF JUSTICE.—CHANCERY DIVISION.

I.—*Request for Lodgment of Money under Order XXII. or Rule 26 of Order XXXI.*Title of Cause or Matter *v.* 18 . A. No.

Ledger credit to } [If same as title of cause, state "As above."]
which lodged. }

The Paymaster is requested to issue a direction to the Bank to receive £ ;
which amount is paid in*

(Signature)

* Insert one of the following statements, in accordance with the circumstances:—

- (A.) "on behalf of defendant [*state name*] in satisfaction of claim of above-named" [*state name of party*] (or "with defence setting up tender").
(B.) "on behalf of defendant [*state name*] against claim of above-named" [*state name of party*], "with defence denying liability."
(C.) "to security for costs account on behalf of" [*state name of party, and whether plaintiff or defendant*].

II.—*Paymaster's Direction for Lodgment.*

To the Agent of the Bank of England (Law Courts Branch).

Please receive the above-stated sum and place it to the account of the Paymaster General for the time being for and on behalf of the Supreme Court of Judicature.

(Signature)

(Date)

18 .

III.—*Bank Certificate of Receipt.*

To the Assistant Paymaster General.

Bank of England,

18 .

The above-stated sum has been this day received.

(Signature)

Supreme Court Funds Rules.

FORM No. 11.

[Request for Lodgment in Queen's Bench Division, referred to in Rule 32.]

HIGH COURT OF JUSTICE.—QUEEN'S BENCH DIVISION.

I.—Request for Lodgment of Money.

Title of Cause or Matter *v.* 18 . A. No.

To the Agent of the Bank of England (Law Courts Branch).

Please receive £ " " , for the account of the Paymaster General for the time being for and on behalf of the Supreme Court of Judicature, which amount is paid in*

(Signature)

Name of Solicitor {
on the other side }

Solicitor for the
(Date)

18 .

* Insert one of the following statements, in accordance with the circumstances:—

- (A.) "on behalf of defendant [*state name*] in satisfaction of claim of above-named" [*state name of party*] (or "with defence setting up tender").
- (B.) "on behalf of defendant [*state name*] against claim of above-named" [*state name of party*], "with defence denying liability."
- (C.) "to security for costs account on behalf of" [*state name of party, and whether plaintiff or defendant*].
- (D.) If lodged in pursuance of an Order, or otherwise than as above, state nature and date of authority. For instance:—"Under Order dated day of 18 "
- or "On notice of appeal [in bankruptcy], dated day of 18 ."

II.—Bank Certificate of Receipt.

To the Assistant Paymaster General.

Bank of England,

18 .

The above-stated sum has been this day received.

(Signature)

FORM No. 12.

[Request for Lodgment in Probate, Divorce, and Admiralty Division, referred to in Rule 34.]

HIGH COURT OF JUSTICE.—PROBATE, DIVORCE, AND ADMIRALTY DIVISION.

I.—Request for Authority for Lodgment.

Title of Cause or Matter *v.* 18 . A. No.

Ledger credit. [Name of ship in Admiralty actions.]

To the Registrar.

I request authority for the lodgment of £ at the Bank of England; such lodgment being for*

(Signature)

* State here such particulars as may be required.

II.—Authority for Lodgment.

To the Agent of the Bank of England (Law Courts Branch).

Please receive the above-stated sum and place it to the account of the Paymaster General for the time being for and on behalf of the Supreme Court of Judicature.

(Signature)

(Date)

18 .

III.—Bank Certificate of Receipt.

To the Assistant Paymaster General.

Bank of Engalnd,

18 .

The above-stated sum has been this day received.

(Signature)

Supreme Court Funds Rules.

FORM No. 13.

[*Notice of appropriation of money lodged in Queen's Bench Division, under Order XIV., referred to in Rule 43.*]

HIGH COURT OF JUSTICE.—QUEEN'S BENCH DIVISION.

Notice of appropriation (under Rule 43 of the Supreme Court Funds Rules) of money lodged under Order XIV.

Title of Cause or Matter 18 . A. No.
To the Assistant Paymaster General. v.

Take notice that £ of the money lodged in Court in the above action under Order dated 18, is appropriated by the defendant [*state name of party*], in respect of the plaintiff's claim, as under, viz.:—*

(*Signature*)

* Insert one of the following statements, as may be intended :

(A.) "in satisfaction of claim of plaintiff" [*state name of party*].

(B.) "against claim of plaintiff" [*state name of party*] "with a defence denying liability."

FORM No. 14 (A).

[*Request for payment of money lodged "in satisfaction," referred to in Rule 44 (A).*]

HIGH COURT OF JUSTICE DIVISION.

Request for payment of money lodged, or appropriated, in satisfaction of claim [under Rule 5 or Rule 11 of Order XXII.]

Title of Cause or Matter 18 . A. No.
Ledger credit }
[In Chancery } [If same as title of cause, state "As above."]
Division].

To the Assistant Paymaster General.

I hereby request that payment of the sum of £, paid in in the above action may be made to*

(*Signature*)

(*Address*)

(*Date*)

18 . .

* N.B.—If payment is to be made to the plaintiff's solicitor, the plaintiff must himself sign the request, and insert therein the words "*the solicitor to me, the plaintiff*" (*naming such solicitor*); but if payment is to be made to the plaintiff in person, the request may be signed either by the plaintiff, who should insert "*me, the plaintiff*," or by the solicitor of the plaintiff, who must insert "*the plaintiff*" (*naming him*). Payment will be made by a crossed cheque or crossed form of receipt, which must be passed through a bank.

FORM No. 14 (B).

[*Request for payment of money lodged "against claim," referred to in Rule 44 (B).*]

HIGH COURT OF JUSTICE DIVISION.

Request for payment of money lodged, or appropriated, against claim, with defence denying liability [under Rule 6 or Rule 11 of Order XXII.]

Title of Cause or Matter 18 . A. No.
Ledger credit }
[In Chancery } [If same as title of cause, state "As above."]
Division].

To the Assistant Paymaster General.

I hereby notify that the sum of £ paid in in the above action has been accepted by the plaintiff in satisfaction of the claim in respect of which it is paid in, and I declare that due notice has been given of such acceptance thereof. And I request that payment of the said sum may be made to*

(*Signature*)

(*Address*)

(*Date*)

18 . .

* N.B.—If payment is to be made to the plaintiff's solicitor, the plaintiff must himself sign the request, and insert therein the words "*the solicitor to me, the plaintiff*" (*naming such solicitor*); but if payment is to be made to the plaintiff in person, the request may be signed either by the plaintiff, who should insert "*me, the plaintiff*," or by the solicitor of the plaintiff, who must insert "*the plaintiff*" (*naming him*). Payment will be made by a crossed cheque or crossed form of receipt, which must be passed through a bank.

Supreme Court Funds Rules.

FORM No. 14 (C).

[Certificate as to person entitled to money lodged "as security for costs," referred to in Rule 44 (C).]

HIGH COURT OF JUSTICE

DIVISION.

Title of Cause or Matter }
in which the money }
was originally lodged. }

v.

18 . A. No.

Ledger credit. [If same as title of cause, state "As above."]

In pursuance of Rule 44 (C) of the Supreme Court Funds Rules, and Rule 27 A of Order XXXI. of the Rules of the Supreme Court, October, 1884, I certify that (a) is or are entitled to payment of the total sum of £. lodged in Court in the above cause or matter as under, by or on behalf of the (b) to a security for costs account under Rule 26 of Order XXXI. of the Rules of the Supreme Court, 1883, namely:—

On 18 £
On 18 £

Dated this day of 18 .

(Signature)

(Title of Office)

N.B.—The person applying for payment may be required to produce the receipt of the Bank of England for the lodgment of the amount.

(a) Name of person to be paid, and whether as plaintiff or defendant, or as solicitor to plaintiff or defendant.

(b) Plaintiff or defendant.

FORM No. 15.

[Declaration (referred to in Rule 62) to be made by the Widow or next-of-kin of a person who has died intestate, when letters of administration have not been taken out, and when the total assets of the estate of the deceased have not exceeded the value of £100.]

I (a) solemnly declare that I am the (b) and next or one of the next-of-kin of (c) deceased, and that I am entitled to take out administration to his estate and to receive the sum of £ directed to be paid to him by the Order dated 18 .

And I further declare that the total value of the assets of the deceased, including the above sum, does not exceed 100l.; and I certify that the death-bed and funeral expenses of the deceased have been paid. And I make this solemn declaration conscientiously believing the same to be true.

(Signature of Applicant)

(Address)

Declared before me this 18 .

Magistrate of
or
Minister of
or

Commissioner to administer oaths

We certify that the person who has signed the above declaration is personally known to us, and that we believe his or her statement to be true.

{ To be signed by two householders
resident in the Parish.

I certify that the persons whose signatures are last above subscribed are resident householders in this Parish.

Minister in the Parish of .

(a) Name of applicant.

(b) Degree of relationship.

(c) Name of deceased.

